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By email only to: planningdc@gloucestershire.gov.uk

28 April 2022

Dear Denis,

APPLICATION NOS: 21/0085/CWS73M (application a) and 22/0006/CWMAJW (application b)

DESCRIPTION: a) Variation of conditions 2(Duration), 3(Scope of Permission) and 9(Access, Traffic and Highway Protection) relating to planning consent 19/0009/CWMAJM dated 19/03/2020 and b) Importation of up to 50,000 tonnes per annum of inert material to facilitate an aggregate recycling facility

LOCATION: Farmington Quarry, Farmington, Gloucestershire, GL54 3NZ

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.¹

We understand that two parallel applications have been submitted in support of this proposal, one (ref. 21/0085/CWS73M) having been prepared under section 73 of the Town and Country Planning Act 1990 to vary conditions 2, 3, 9, 11(a), and 12 of planning permission 19/0009/CWMAJM and a separate full planning application, ref. 22/0006/CWMAJW. The applicant states that the content of both applications is, to all intents and purposes, identical, and as such this response relates to both applications.

In reaching its planning decision, the minerals planning authority (MPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the MPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 9 (High Wold Dip-Slope);
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 9 ([link](#)), including Sections 9.6 and 9.7;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Tranquillity Position Statement ([link](#)) particularly, in this instance, with regards to Section 4.5 Traffic and vehicle movements.

As outlined in Annex 1 below, the Board considers that the submitted information does not accurately assess the potential impacts of the proposed operations on the local highway network, the tranquillity

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

of the Cotswolds National Landscape as well as air quality and noise impacts. We also consider that the proposal has not been sufficiently justified in respect of the requirements of Gloucestershire Waste Core Strategy and Gloucestershire Minerals Local Plan policies including its consideration of cumulative impacts.

Therefore, the Board **objects** to these applications in their current form as they do not demonstrate compliance with the requirements of the Development Plan, including Policies WCS10 and WCS14 of the Gloucestershire Waste Core Strategy, Policy DM02 of the Gloucestershire Minerals Local Plan and Policies EN4 and EN5 of the Cotswold District Local Plan. We would also request further information and updated technical assessments on the matters outlined in Annex 1.

If you have any queries regarding the information provided in this response, please do not hesitate to get in touch.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Joyce', with a small dot at the end.

Simon Joyce

Planning Officer

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NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2

ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATIONS 21/0085/CWS73M AND 22/0006/CWMAJW

Background and consideration of alternative sites

Whilst the importation of inert material has been established by the extant permissions for the site, this has been for restoration fill only. The proposed development seeks to introduce controls to allow for the importation of up to 50,000 tonnes per annum ('tpa') of inert material to facilitate an aggregate recycling operation within the permitted quarry boundary. Recycled aggregate would be exported to the local market whilst unrecyclable material (estimated by the applicant to be 10% of that imported to site) would be deposited within the quarry void.

We recognise that two applications have been made relating to this proposal, one a waste application and one to vary conditions pursuant to a minerals permission. The proposed limit on imported materials of 50,000 tpa is the upper threshold for a 'non-strategic waste site' in terms of the Gloucestershire Waste Core Strategy (GWCS) Policy WCS4 and thus in policy terms such a proposal may be acceptable within the Cotswolds National Landscape subject to impacts on the environment and neighbouring land uses also being deemed acceptable and the proposal being compliant with other Development Plan policies.

With this latter consideration in mind, GWCS Policy WCS14 states that waste development proposals within the Cotswolds AONB will only be permitted where it can be demonstrated that i) there is a lack of alternative sites not affecting the AONB to serve market need, ii) the impact on the special qualities of the AONB can be satisfactorily mitigated and iii) the proposal complies with other relevant development plan policies.

In respect of the first criterion, the applicant states at paragraph 5.15 of their Supporting Statement that *"the applicant aspires to source inert material predominantly from within the Cotswold AONB. This is evidenced by the accompanying letter of support at Appendix 1, provided by Scotts Plant and Haulage, a prospective source for the importation of inert material should planning permission be forthcoming. Owing to the source of HGV movements to deliver inert material originating from within the Cotswolds, there would be no purpose of establishing viable alternative sites positioned outside of the AONB"*. Notwithstanding that there is no letter from Scotts Plant and Haulage (incidentally a firm based in Badsey, outside of the Cotswolds National Landscape) included at Appendix 1, in our view this justification does not meet the requirements of GWCS Policy WCS14. The fact that the applicant 'aspires' to source inert material 'predominantly from within the Cotswold AONB' indicates that at least some of the inert waste is anticipated to originate from outside of the AONB. Moreover, the applicant has provided no assessment or demonstration that there is a lack of alternative sites to serve market need which do not affect the AONB and the Board requests further demonstration from the applicant that this important policy requirement is met. Furthermore, for the reasons outlined below, we consider that the current proposal does not meet the requirements of criteria ii) and iii) of GWCS Policy WCS14.

Tranquillity

Tranquillity is one of the 'special qualities' of the Cotswolds AONB; in other words, it is one of the features of the AONB that makes the area so outstanding that it is in the nation's interest to safeguard it. Tranquillity is also one of the 'natural beauty' criteria that are taken into consideration by Natural England when designating AONBs. It is, therefore, an important consideration when local authorities undertake their statutory duty to have regard to the statutory purpose of AONB designation (i.e. to conserve and enhance the natural beauty of the AONB). As such, tranquillity is a relevant consideration in relation to criterion ii) of GWCS Policy WCS14.

The Board's Tranquillity Position Statement referenced above recommends that proposals that have the potential to impact on the tranquillity of the AONB accord with Policy CE4 of the Cotswolds AONB Management Plan 2018-2023, give great weight to conserving and enhancing the tranquillity of the AONB and assess potential impacts on tranquillity, particularly with regards to noise, vehicle movements and landscape and visual impacts. Cumulative impacts on tranquillity should also be taken into consideration in such assessments and with regard to the impact of the proposed development combined with other existing or proposed developments. Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance and measures should be taken to enhance the tranquillity of the Cotswold AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance.

HGV movements

The applicant seeks to vary condition 9 of planning permission 19/0009/CWMAJM which places a restriction of no more than 524 HGV movements to and from the site per calendar month and increase this figure to 889 monthly HGV movements. Whilst the applicant states that whilst this increase appears significant, once broken down across daily operations, the increase in HGV levels would be negligible at less than 2 per hour. The Transport Assessment concludes that the change as a result of the development trips on the highway network are not considered to be significant and would not have a perceptible impact on the operation of the local highway network.

In our view, the approach taken to demonstrate the increase in HGV movements in the Transport Statement is flawed; it underestimates the potential impact of the proposal for what would be a 70% increase above the current consented levels of HGV trips to and from the site and only provides an assessment of the increase in HGV movements associated with the quarry; it provides no wider assessment of baseline traffic levels in the local area.

At paragraph 3.12 of their Supporting Statement, the applicant states that the consented monthly figure of 524 HGV movements equates to approximately 20-22 per day or around 1 HGV per hour. However, this assumes that the quarry is operating 24 hours per day and that HGV movements will be evenly distributed throughout each day, week, month and year. This is unlikely to be the case and demand for aggregate and the delivery of inert waste for processing is likely to fluctuate throughout the year. This may lead to much higher numbers of HGV movements at peak times than that quoted in the Transport Statement and resultantly may have a significant effect on tranquillity, noise and air quality.

We note the comments made by Cotswold District Council requesting revisions to be made to the Transport Statement to allow a more accurate assessment of the impact on this proposal on the local highway network and rural communities in this part of the National Landscape. We agree that this would also enable an assessment of the cumulative effect of other operational changes proposed in other quarries within this area of the AONB.

Section 4.5 of the Board's Tranquillity Position Statement referenced above outlines how The Institute of Environmental Assessment's 'Guidelines for the Environmental Assessment of Road Traffic' recommends using two 'rules of thumb' for identifying the scale at which increases in traffic movements should be considered in an Environmental Impact Assessment (EIA):

- Rule 1: Where traffic flows will increase by more than 30% (or the number of heavy goods vehicles (HGVs) will increase by more than 30%).
- Rule 2: Any other sensitive areas where traffic flows have increased by 10% or more.

AONBs are specifically identified as 'sensitive areas' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, Rule 2 should be applied in the Cotswolds AONB and should relate to both traffic flows. On this basis, it can be argued that an increase in traffic flows (or HGV movements) of more than 10% from a development proposal or in combination with other proposals is likely to be significant and have an adverse impact on the tranquillity of the Cotswolds AONB. Indeed, increases in HGV movements of less than 10% could still be considered to have an adverse impact of up to moderate significance, rather than the negligible significance implied in the applicant's submission. This matter is not considered within the applicant's Environmental Statement and therefore, we would request further information is provided by the applicant to demonstrate the impact of the proposal on overall HGV traffic levels on the local highway network. The applicant should assess the % increase in HGV movements on the local roads and through local AONB settlements. In order to undertake this assessment, the applicant would need to provide a more accurate breakdown of anticipated HGV movements, including peak hours and peak months.

Noise

We note and support Cotswold District Council's comments requesting revisions to the Noise Assessment to allow for robust assessment and accurate comparison between baseline and proposed noise levels.

Dust

In respect of dust, the Board also supports the view of Cotswold District Council that the Air Quality Assessment should be revised to account for the plant anticipated to be used in the operations. The accompanying Noise Assessment states at paragraph 1.3.2 that the processing of the material will be completed using machinery that is already used on-site to process quarried material.

Lack of measures to enhance tranquillity

This planning application also does not consider or recommend measures to enhance the tranquillity of the Cotswolds AONB, for example, by removing and / or reducing existing sources of noise pollution and other aural and visual disturbance, as required by Policy DM09 (part b) of the Gloucestershire Minerals Local Plan (GMLP) 2018-2032 and advocated by Policy CE4 of the Cotswolds AONB Management Plan 2018-2023.

In summary it is the Board's view that the adverse impacts on tranquillity arising from this proposal would conflict with Policies CE3 and CE4 of the Cotswolds AONB Management Plan 2018-2023 and the requirements of Policies DM01 and DM09 (part b) of the GMLP, Policy WCS14 of the Gloucestershire Waste Core Strategy and paragraph 211b of the National Planning Policy Framework. We would also point out that Policy CE10 of the Cotswolds AONB Management Plan also states that development proposals 'should be compatible with the guidance produced by the Cotswolds Conservation Board including ... Cotswolds AONB Landscape Strategy and Guidelines'. Section 9.7 of the Cotswolds AONB Landscape Strategy and Guidelines for LCT9 (High Wold Dip Slope) referred to above expressly specifies that importing waste into the AONB should be avoided.

Cumulative impacts

Gloucestershire Waste Core Strategy Policy WCS10 states that in determining proposals for waste related development for new or enhanced waste management facilities the Council will have regard to the cumulative effects of previous and existing waste management facilities on local communities. Planning permission will be granted where the proposal would not have an unacceptable cumulative impact. Similarly, GMLP Policy DM02 states that mineral development proposals will only be permitted where it can be demonstrated that i) unacceptable cumulative adverse impacts will not be

generated from within the mineral site for which the proposal is located and / or from a number of minerals and non-mineral developments in the locality; or ii) the benefits of development will clearly outweigh unacceptable cumulative adverse impacts to justify the grant of planning permission.

The applicant takes only a single page to consider potential cumulative impacts at Section 6 of their Environmental Statement, simply stating that they are not aware of any existing completed or uncompleted projects, projects under consideration by the MPA or anticipated projects that require consideration of cumulative effects. They then conclude at paragraph 6.7 that the *“MPA can be assured that the scheme would not result in any cumulative impacts”*.

The applicant considers this to be a minerals application, it seeks to vary conditions pursuant to a minerals permission and in considering cumulative impacts the applicant refers to the MPA. There are a number of recent or outstanding minerals applications at quarry sites across the north Cotswolds. These include applications to increase output at Oathill Quarry, extensions at Naunton Quarry, restoration works at Cotswold Hill Quarry and resuming operations at Guiting Quarry. All of these proposals will generate increased HGV traffic on local roads, including Buckle Street and the Fosseway. The Board, along with Cotswold District Council and many local communities within the North Cotswolds, is concerned about the consequences which would arise from this proposal, including traffic hazard, noise, dust and vibration and in particular the cumulative impacts of this proposal in combination with recent increased HGV movements from other quarries in the local area.

Therefore, we echo the comments of Cotswold District Council in requesting further assessment and reassurance that HGV movements to and from Farmington Quarry will not further impact villages and roads already affected by these other activities. Paragraph 5.6 of the Supporting Statement outlines that the applicant intends to source all imported inert material from within the Cotswolds AONB but there seems to be a general assumption throughout the application that only that the A40 and A429 will be used. Therefore, we would request further detail with regards to current routes used by HGVs travelling to and from Farmington Quarry and the anticipated routes for the additional movements based on the expected sources of the inert waste and destinations for the recycled aggregate. We would also request a more robust consideration of cumulative impacts to demonstrate compliance with GWCS Policy WCS10, GMLP Policy DM02 and paragraph 211b of the National Planning Policy Framework.