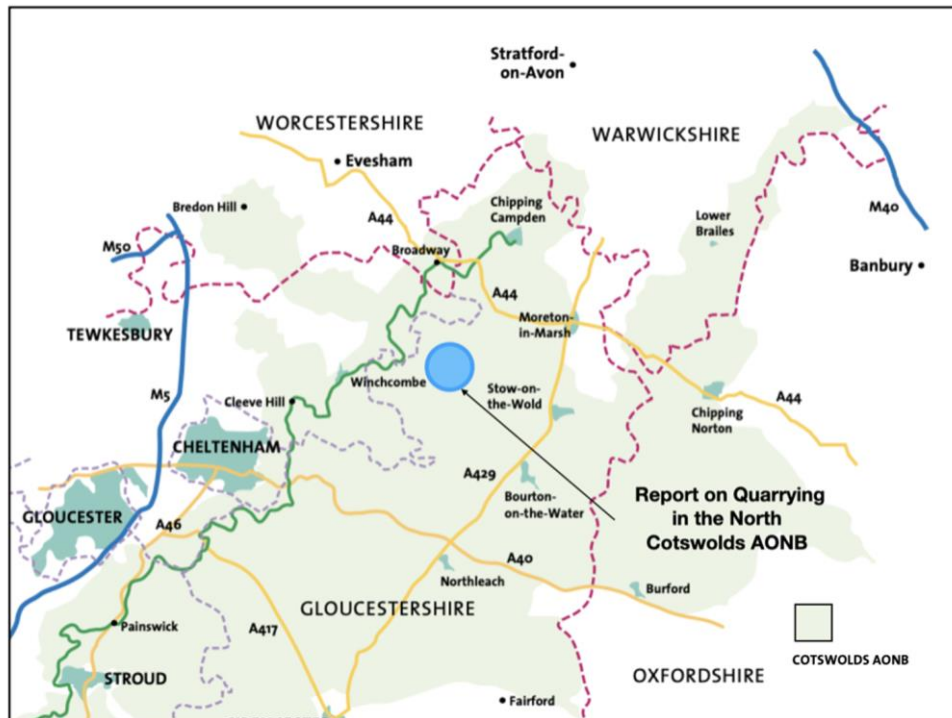


# Temple Guiting Parish Council

## Quarry Stakeholder Working Party Report

A review of planning requirements for Cumulative Impact Assessments and their application to the cluster of quarries in the North Cotswolds

8<sup>th</sup> July 2021



Source: Cotswold Conservation Board

# Temple Guiting Parish Council

## 1. Introduction

Temple Guiting Parish Council (TGPC) fully supports mineral development where it supports and/or preserves the character and attributes of the Cotswolds AONB.

This document collates the key reference materials and requirements for the definition and assessment of Cumulative Impact in the UK. The information has been taken from publicly available reports and guidelines issued by the World Health Organisation, the UK Government and the European Union. It is one of a number of reports on Environmental Monitoring.

This report also shows how the legal principles of Cumulative Impact can be applied to the cluster of quarries found in the North Cotswolds.

Reports produced by Temple Guiting Parish Council Quarry Stakeholder Working Party are designed to support discussion and communication between governing bodies and local communities and to promote the development and use of best practices for quarrying operations in the area. Comments and feedback on the reports are welcome at [templeguitingparishcouncil@yahoo.co.uk](mailto:templeguitingparishcouncil@yahoo.co.uk).

## 2. Statutory Framework

The legal requirement for Cumulative Impact Assessments is included at EU, UK and County Council level. Originating in EC directive 85/337/EEC over 20 years ago, the requirement is now included in EU Habitats Directive 2014/52/EU(Ref1). The EU directive is applied in the UK through Statutory Instrument 2017 no. 571 Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (Ref 2). This is then reflected in the UK Planning Policy Framework (Ref. 3) and the GCC Minerals Local Plans (Ref 4). These requirements are implemented through guidance and, in more detail, through appeals and court rulings.

This review looks at the requirements and the way in which these are applied to the cluster of quarries in the north Cotswolds. The relevant documents are shown below in Figure 1.

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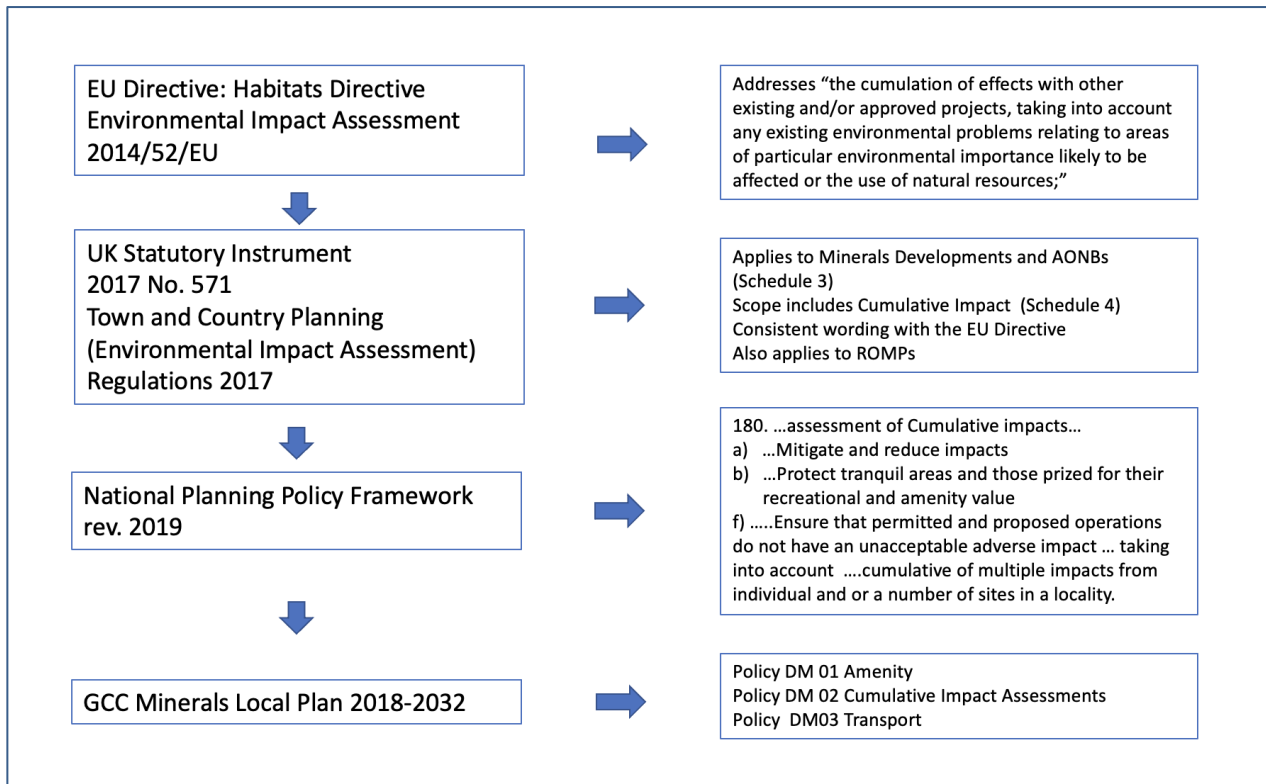


Figure 1: Overview of legislation and guidance on Cumulative Impact Assessments

### 2.1 EU Environmental Assessment regulations

EU guidelines define Cumulative Impact as:

*‘Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project’* European Commission 1999

A fuller description is included in the EU glossary of terms (Ref 5.)

*‘The impacts (positive or negative, direct and indirect, long-term and short-term impacts) arising from a range of activities throughout an area or region, where each individual effect may not be significant if taken in isolation. Such impacts can arise from the growing volume of traffic, the combined effect of a number of agriculture measures leading to more intensive production and use of chemicals, etc. Cumulative impacts include a time dimension, since they should calculate the impact on environmental resources resulting from changes brought about by past, present and reasonably foreseeable future actions.’*

The EU directive 2014/52 EU requires an Environmental Statement to address *‘the aspects of the environment likely to be significantly affected’*. This includes an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. Developers must ensure they consider both intra-project and inter-project cumulative effects.

In 2015 the EU produced a guidance note (Ref 6) on the interpretation and definition of project categories included in the Environmental Impact Assessment Directive. This included reference to the EU Court ruling (Ref 7) which states that *“the purpose of the EIA Directive cannot be circumvented by the*

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*splitting of projects and the failure to take account of the **cumulative effect** of several projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment within the meaning of Article 2(1) of the EIA Directive” (Commission v. Ireland, C-392/96, EU:C:1999:431, paragraphs, 76, 82)*

### 2.2 UK National Legislation

The EU directive is applied in the UK through Statutory Instrument 2017 no. 571 Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which:

- implements the amendments to the EU directive 2011/92/EU and EU Directive 2014/52/EU (page 74)
- sets the requirements, process and application of Environmental Statement for planning applications,
- sets out the process for application to ROMPS ( Section 4)
- sets out the information to be assessed (Schedule 4) including *“The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any **indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.** (page 73)*

## 3. Guidance

### 3.1 UK National Guidance: National Planning Policy Framework (NPPF)

Guidance in the UK is based on the NPPF 2019. Although this has been simplified from the earlier NPPF 2012 version, many of the references to Cumulative Impact have been retained, including:

*‘109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual **cumulative impacts** on the road network would be severe.*

*180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (**including cumulative effects**) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’*

In the section on facilitating the sustainable use of minerals it states (par 205) that Planning Policies should:

*‘f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the **cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;** ‘*

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The Gov.UK website on Minerals Guidance (2021) states:

*'Some parts of a mineral planning authority area may have been subjected to successive mineral development (such as aggregate extraction or surface coal mining) over a number of years. Mineral planning authorities should include appropriate policies in their minerals local plan, where appropriate, to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications.'*

Ref: Paragraph: 017 Reference ID: 27-017-20140306 Revision date: 06 03 2014

It also defines when cumulative effects should be assessed:

*'Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should **always have regard to the possible cumulative effects arising from any existing or approved development.**'* Ref: Paragraph: 024 Reference ID: 4-024-20170728, Revision date: 28 07 2017

### 3.2 UK Local Guidance: GCC Minerals Local Plan (MLP) 2018-2032 (adopted March 2020)

The National Policy Framework is developed further in the GCC MLP, reflecting the policy statements of the NPPF relating to development management (pages 28/29) stating

*'To support actions for tackling and responding to climate change and to ensure that the natural (including water) and historic environment, health, well-being and quality of life of local communities, the efficient, effective and safe functions of the highway network, and the economic prosperity of Gloucestershire will not suffer unacceptable adverse impacts caused by mineral developments, through: -*

- *demanding that all proposals set out sufficiently detailed and evidenced appraisals of potential adverse impacts including making reasonable allowances for the impacts of climate change, their possible significance and a clear demonstration of how these could be avoided or that effective mitigation measures will be employed;*
- ***giving prominence to the potential risk of cumulative impacts through either multiple impacts from a single mineral development or a number of mineral developments clustered within one of Gloucestershire's mineral resource areas or another equivalent resource area within a neighbouring local authority area.***

Policy DM02 on Cumulative Impact 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.'*

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It further states that:

*(291) The interpretation and implementation refer to assessment of **all cumulative effects and that cumulative impacts related to intensified development across a locality will need to be agreed on a case by case basis***

*(290) The cumulative effect from mineral developments can give rise to challenging adverse impacts, which may prove to be unacceptable. **Cumulative adverse impacts can result from multiple activities taking place on a single site and / or as a result of a combination of activities across several mineral development sites. It may also arise from intensified development generally across a locality, which can extend beyond the administrative area of Gloucestershire*** ‘

The MLP section on Highways is also relevant to Cumulative Impact. It highlights the need to assess transport routes by stating in par 302 that:

*‘For new mineral development proposals that use the local and / or strategic highway network, the potential for adverse impacts arising must be carefully scrutinised. National policy provides a clear threshold in this respect, focused on ensuring severe impact on the highway network is prevented<sup>150</sup>. Particular issues likely to be scrutinised include: - network capacity; safety of road users, debris on the highway and related amenity impacts such as noise, dust, vehicular vibration, and air and water pollution (see also Policy DM01). **These impacts may be of significance to a variety of sensitive receptors located along mineral haulage routes and not just those local communities that are close by to the proposal site.** For matters relating to potential impacts on the maintenance of the highway, this is dealt with under s.59 of the Highways Act 1980 and the provision available to recover expenses due to extraordinary traffic. ‘*

### 3.3 International and UK Industry Guidance

International guidance on Cumulative Impact Assessments has been developed on a wide range of applications including wind- farms (Ref 8) and Aggregates (Ref 9).

A focus of many of the documents is the challenge of conducting a cumulative impact assessment involving multiple parties, often with conflicting interests. Guidance on Cumulative Impact Assessment, produced independently by the Minerals Council in Australia in 2015 (Ref 10), was identified as a useful reference source as it not only looks at the definition but also the application across a range of situations, as each Cumulative Impact Assessment depends on local circumstances.

In summary, international, national and local policies on Cumulative Impact are designed to address the issues associated with:

- multiple sites
- working in the same area
- each site contributing a localised impact
- the combined impacts of which are additive (or cumulative).

Impacts can affect specific habitats or amenity through noise, dust, vibration, or derive from changes to the landscape

The general wording and policy intent is consistent at all levels. Wording across the EU and UK legislation and policy guidance is consistent.

### 4. Application of Cumulative Impact Assessment legislation in the North Cotswold quarry cluster

Quarries in the North Cotswold cluster have made numerous planning applications in recent years but none has resulted in or included a Cumulative Impact assessment covering the impacts on the area as a whole, or which fits the description in the EU, UK or local regulations. Where reference has been made to Cumulative Impact, it has been downplayed by only considering “incremental increase” or “no changes to the planned production”. This results in Environmental Impact Statements in isolation, which “salami slices” mineral production in the North Cotswolds and is contrary to the ruling of the EU Court.

GCC is currently <sup>1</sup>considering an application for Naunton to continue production for a further 10 years. GCC is also processing other applications simultaneously - - to restart operations at Guiting Quarry with a production rate of at least 200,000 to 300,000 tpa; and Oathill Quarry has applied to increase 50,000 tpa to 100,000 tpa. At the same time, restrictions on HGV movements at Cotswold Hill quarry have been removed and, as a consequence, unlimited HGV movements are now permitted for the purposes of reinstatement. Smaller increases have been permitted at Tinkers Barn and at Grange Hill and there is an application to increase production at Nayles Barn. The application for Naunton (Ref 10) failed to consider the other known applications and the overall effect that the extension/maintenance of output of Naunton, in combination with other production sites, would have on transport routes.

TGPC is aware that some environmental data has been collected at Stanway Hill with reference to Guiting operations but no systematic assessment of environmental impacts across the area has been carried out to date. This is particularly important at sensitive locations along the traffic routes such as Ford village and Stanway Hill on the B4077, and along Buckle Street from the Cotswold Farm Park past Manor Farm to the junction with the A429 Fosse Way. Some highways traffic data was collected in 2019. However, from TGPC’s review of planning applications, there has been little consolidation of data on HGV movements. Overall production figures, over time, are also not publicly available.

Each application needs to be assessed on a case by case basis (consistent with National Policy Guidance and as currently assessed by GCC Highways and the MPA). However, to comply with the wider requirements of UK and EU regulations, each application must also be assessed in conjunction with existing or planned, reasonably foreseeable, developments in the area to meet the requirements of Cumulative Impact Assessments.

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<sup>1</sup> The application was approved bar a legal item regarding the tunnel under Buckle Street, at the GCC Planning meeting held on 18th March 2021.

### **5. Evidence of the impact of multiple quarries in the North Cotswold cluster**

Residents of Temple Guiting and nearby parishes within the area of the North Cotswold cluster of quarries experience negative impacts from quarry operations every day. It is clear from the extensive information in this document that a Cumulative Impact Assessment is a legal requirement when considering planning applications from local quarries. There is, however, ample evidence that GCC does not apply the legislation to local quarry applications. For example, at the planning meeting to determine an application from Naunton quarry for an extension, attendees were told several times that they could 'only consider the application on its own'. The MPA also stated that a Cumulative Impact Assessment was not necessary as it was a continuation of existing production levels. This failed to consider the wider interaction with other quarrying applications in the area and the transport routes they all share. Additionally, data submitted in support of the Naunton application was inconsistent with traffic counts of HGVs – including all those from nearby quarries - using the B4077 through Ford and which were provided in Oathill's application

TGPC has raised the issue on numerous occasions. It has also been highlighted in comments submitted by the CCB and CPRE on recent planning applications. Despite this, TGPC is not aware of any plans by GCC to collect data to be able to begin to carry out Cumulative Impact Assessments across the area.

The current impact is evident across the area and illustrated below including:

- Severe erosion of verges
- Increased levels of dust reported by residents in Ford, Upper Coscombe and Summerhill
- Vibration of historic buildings from passing HGVs
- Noise affecting residents, both from HGVs (from early morning) and the tonal effects from stone peckers
- Increased maintenance requirements for road surfaces
- Residents' experiences of aggressive driving and excessive speed of some HGV drivers on narrow roads, making driving, riding, cycling or walking high risk activities
- Changes to AONB landscape and deferred restoration plans'.

The large number of quarries in a small area means that it is impossible to attribute dust from highway, erosion of verges, vibration from HGVs; disturbance from noise from HGVs or even road maintenance to a particular quarry. Each quarry creates its own level of impact but they all contribute in some way to the cumulative effect on the AONB, residents, visitors, employers and employees.



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Some recent examples (taken in the last few months) illustrate dust, dirt and debris on roads that is then transferred to vegetation and peoples' homes.



The village of Ford does not have footpaths alongside the carriageway, but is designated as a national walking route. The photographs below show the proximity of large HGVs passing historic buildings and walkers. affecting gtheir health, amenity and safety.



Open landscape is replaced with bunding with little or no screening at some quarries



### **6. Summary of current implementation of Cumulative Impact regulations in the North Cotswolds**

The requirement to assess Cumulative Impacts in sensitive areas, such as AONBs, is enshrined in international and national law and is supported in guidance at both national and local levels.

To date TGPC is not aware of any formal studies or assessments that address the cumulative impact of the quarrying operations in the north of the Cotswold AONB, despite this having been raised by TGPC, CPRE and the CCB.

Without the relevant data, it is not possible to understand the challenges presented by the continuing growth in the cluster of quarries in the North Cotswolds. Since the first meeting in February 2020 of an initiative to bring communities together to address local quarrying issues, Covid has prevented further progress. The meeting did, however, confirm that the impact of the North Cotswold quarry cluster is felt and seen across many local parishes.

### **7. Implementing a Cumulative Impact Assessment for the North Cotswold quarry cluster**

TGPC is aware that the Cumulative Impact Assessment process can be challenging as it involves multiple operations and crosses boundaries within organisations but these assessments are a legal requirement enshrined in multiple levels of legislation.

Some data is already available - for example, some basic traffic data for local roads, which has been validated by GCC Highways' traffic counts. This will need to be collated and analysed. Other data will need to be established, possibly for the first time. This includes environmental data measured from outside the boundaries of individual quarries as well as closer to its origins, to comply with regulations and to enable informed decisions when assessing minerals planning applications.

Given that the data is necessitated by the activities of the quarries, it would not be unreasonable for them to contribute toward the cost of the surveys.

To measure environmental factors and conduct a local survey, councils will need to work together at parish, district and county levels. Local residents are also keen to help. International experience shows that CIAs are successful where there is transparency and independence of data, so that all parties involved have confidence in both the data and the assessment process. TGPC has neither the financial resources nor the people to lead this, nor is it TGPC's responsibility. GCC is ideally positioned to provide this confidence by leading and managing this approach.

TGPC's commitment to supporting parishioners means that it is willing to

- \* co-ordinate activities at a local level, working with other local parish councils and other parties
- \* identify properties which are known to be sensitive to the impact of HGV movements and other quarry-related activities.
- \* carry out a survey to determine other sensitive sites and the major issues experienced by residents and businesses. The assessment of current and acceptable dust and noise levels is beyond the capabilities of TGPC and will require specialist expertise.

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If we are to protect the local environment; the status of the AONB; the amenity of local residents and visitors to the area; it will take time and resources. It will require coordination and a level of openness and willingness on the part of different groups to work together.

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### References

1. EU Habitats directive 2014/52 EU (OJ No L,124,25.4.2014 p1-18
2. UK Statutory Instrument 2017 No 571 Town and country Planning (Environmental Impact Assessment) Regulations, 2017
3. GCC Minerals Local Plan 2018-2032 (adopted 2020)
4. EEA Glossary of Terms Cumulative impact; <https://www.eea.europa.eu/help/glossary/eea-glossary/cumulative-impacts> [lex.europa.eu/summary/glossary.html](http://lex.europa.eu/summary/glossary.html)
5. European Commission; Environmental Impact Assessment of Projects Guidance on Scoping (Dir 2011/92/EU as amended by 2014/52/EU)
6. Ruling of the Court of Justice of the European Union Environmental Assessments of Plans, programmes and Projects 2020 Case Commission v. Ireland, C-392/96, EU:C:1999:431, paragraphs, 76, 82)
7. Renewable Energy UK Cumulative Impact Assessment Guidelines, Guiding Principles for Cumulative Impacts Assessment in offshore windfarms June 2013
8. Quarry Products association/ British Marine Aggregate Producers Association/ British Geological Survey/ Entec UK Ltd; Planning for Minerals A guide on Aggregates
9. Minerals Council of Australia; Cumulative Environmental Impact Assessment Industry Guide July 2015
10. Naunton Quarry Planning Application 18/0065/CWMAJM