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27 January 2021

Ms Linda Townsend

Planning and Development Unit

Gloucestershire County Council

Shire Hall

Gloucester GL1 2TH

Dear Ms Townsend

**GCC Application No: 19/0086/CWMAJM**

**Proposal: Variation of condition 7 (annual output of material) relating to planning consent 14/0101/CWMAJM dated 21/05/2015 to facilitate an increase of mineral export by 50,000 tonnes to a total of 100,000 tonnes per annum**

**Location: Oathill Quarry, Temple Guiting, Gloucestershire GL54 5RR**

CPRE Gloucestershire objects to the proposed modification of condition 7 of the existing planning consent for Oathill Quarry.  This submission has been brought forward from our proposed response date of late February in order to meet the deadline requested in your email of 18 January.  That has inevitably limited the resources we could allocate to this case.  Notwithstanding that constraint, from our perusal of the documentation on Gloucestershire County Council’s website and our local knowledge we do not believe that the commercial justification and demand for agricultural lime outweigh the environmental consequences which would result from the proposed modification.

**General points**

Land use planning decisions are almost always about balancing pros and cons.  CPRE accepts that the supply of agricultural lime fulfils an important demand and that a commercial quarry operator can reasonably be expected to seek to maximise profitability.  However, Oathill Quarry is situated in the Cotswolds AONB and is subject to the significantly more stringent planning rules which apply in this nationally designated landscape.  Rock quarries can, and almost always do, adversely affect landscape and create dust, noise and, especially in winter months, light pollution.  Resultant HGV traffic can cause damage to local roads and danger to road users.  All of these are in direct conflict with qualities which AONB designation is intended to protect.

Although two quarries within the AONB are identified in the Gloucestershire Minerals Local Plan (MLP) as contributing to the county’s production of aggregate, most Cotswold quarries are fairly small and based primarily on their production of dimension and walling stone which is necessary to maintain the built heritage and traditional landscape of the AONB.  Production of aggregate or agricultural lime does not meet this special need and, except where identified in the MLP, is limited to utilising limestone which is unsuitable for dimension or walling stone, but which has to be extracted in order to access the key products.

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**Paragraph 172 and footnote 55 of the NPPF (revised Feb 2019)**

Paragraph 172 states ‘Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest’.  It lists three considerations which should be included in an assessment.  Footnote 55 places the onus for judging whether the proposed development is ‘major’ onto the decision maker - GCC in this case - and then gives guidance on how that judgement should be made.  It seems clear to CPRE that the proposal to double annual quarry output to 100,000 tonnes constitutes ‘major development’.  It also seems clear that the proposed change to condition 7 would result in substantial adverse consequences in respect of HGV movements, dust and noise, which could be ameliorated only to a limited extent by good practice.

It has been claimed that any alternative sources for supplying agricultural lime would have greater adverse environmental consequences than allowing the proposed change to the Oathill permission, but there is no compelling evidence to support that.  In terms of transport issues the question is not whether a source is within the administrative boundary of the planning authority, but where the source and the end use point are located, with due regard to transport infrastructure.  Condition 7 allows for the annual export of up to 30,000 tonnes of lime from Oathill out of an overall total of 50,000 tonnes.  To permit an overall increase to 100,000 tonnes in the context of the Cotswolds AONB depends on ‘exceptional circumstances…in the public interest'.  As we understand the practicalities, the great majority of the increased output would be agricultural lime or aggregate.  In our view the applicant's proposals do not satisfy the requirements of the NPPF.

**Gloucestershire Minerals Local Plan**

With reference to building stone quarries, paragraph 167 of the adopted MLP stresses the need to avoid ‘drift’ in the balance of products for which permission was originally granted.  It acknowledges that ‘for reasons of effective site management and, in certain circumstances, economic viability, it has been allowable for these other types of mineral development to occur in parallel where demonstrably justified’.  Nevertheless, very strict controls are needed to manage multi-mineral workings originally founded on their ability to supply natural building stone.

That the applicant’s agent chooses to refer to Oathill as a hybrid quarry does not negate the relevance of this paragraph. The footnote to paragraph 167 states ‘Whilst acknowledging that the unit price for building stone is higher than other quarry products, it is recognised that it can often have a higher production cost.’  The applicant has been keen to stress that the most valuable quarry product is building stone and that is the core operation.  However, as is implicit in the footnote, from a commercial perspective the net profitability of product output is an important driver, irrespective of the actual market price of the product.  Of course, there is an incentive for a quarry operator to conserve the most valuable part of the resource (as measured by market value), but it would be imprudent to ignore other drivers such as cash flow and current market demand.  CPRE contends that it is critical to adhere strictly to the principle that only material necessarily excavated in order to access the core building stone resource should be exported as aggregate or lime.

We note that the applicant has now submitted a detailed geological assessment of the situation at Oathill Quarry.  CPRE does not have the technical resources to appraise in detail the information provided by the specialist consultant.  However, we do not believe the geological information provided automatically justifies the proposed doubling of output in strictly operational terms.  We trust that GCC will carefully examine the relevance of the new information using its in house expertise or its own technical consultant as appropriate.

**Materials for restoration**

In the time available to us, CPRE has not been able to look in detail at the restoration scheme.  The applicant has indicated that there will still be ample material to satisfactorily complete restoration if the proposed change to condition 7 is allowed.  Whether that is a valid assertion we are unable to quantify, but it should be very carefully assessed.  It can make good commercial sense to export as much quarried material as is saleable and then ask for a modification to import fill (usually ‘inert’) to achieve the best restoration.  Such a practice should be unacceptable in the context of the Cotswolds AONB.  Firstly, it would generate more HGV movements and secondly, in practice, monitoring what is actually imported can be fraught with difficulty.  It is essential that an ample stock of ‘waste' material generated from quarrying operations should be retained to achieve the optimum final restoration without importation of fill.

**Cumulative effects**

Oathill is part of what has been described as a cluster of quarries in this part of the AONB.  CPRE recognises that where separate commercial operators are involved the need to avoid inhibiting competition is relevant.  However, that does not take away the importance of considering cumulative consequences when determining new planning applications or proposed changes to extant permissions.  Other objectors have raised this point in more detail and we believe it should be taken very seriously with regard to the objectives of AONB designation and the amenity of local residents, not least those in the village of Ford.

**Letter dated 21 August 2020 from Mr N Johnston to GCC**

Mr Johnston’s letter seeks to make a connection between the decision on Oathill and the implications for the operation of Guiting Quarry.  Parts of the letter do have a rather threatening overtone, whether that is intended or not.  Mr Johnston suggests that refusal at Oathill would put pressure on his company to use blasting at Guiting, which he says has so far not been undertaken during Johnston Group ownership out of goodwill.  Even if that is a valid statement, no offer to formally give up blasting rights at Guiting has been made.  To give consent for major additional annual output at Oathill without any enforceable, environmentally beneficial changes at Guiting would be very one-sided and not credible as a ’trade-off’.

On the issue of HGV quarry traffic going through Ford, Mr Johnston’s letter implies that the consequences of an Oathill refusal would make things worse for residents, but there is no detailed evidence to support that.  Any quarry traffic heading west from Oathill will pass through Ford and so will any HGVs from Guiting going east.  CPRE has not ascertained detailed analysis of current traffic from the two quarries and that could in any case change, unless otherwise conditioned (and effectively enforced).

If a link were to be established between Guiting and Oathill quarries then that would require a detailed analysis of the pros and cons with any agreed outcome having been shown to provide significant environmental and local amenity benefits which would be fully enforceable by relevant planning conditions at both quarries.  Mr Johnston’s letter does not offer that for consideration by the planning authority.

On employment, the letter claims that refusal to allow doubling of output at Oathill would lead to loss of 6 full-time jobs at Oathill and another 12 at Stanley’s Quarry, where block stone from Oathill and elsewhere is processed. CPRE is not able to verify the validity of that claim, but we remain sceptical.  Nevertheless, protection of employment, though very important and a relevant consideration, does not override adverse environmental and amenity downsides.  Apart from anything else, it does not guarantee the jobs in the longer term.  As noted under our ‘General Points’, planning decisions require weighing the pros and cons.  In the context of the Cotswolds AONB we maintain that the latter prevail.

**For the reasons given above, CPRE asks GCC not to approve the proposed change to condition 7.**

A copy of this letter will be sent to Tewkesbury Borough Council, Cotswold District Council, Temple Guiting Parish Council, Stanway Parish Council and the Cotswold Conservation Board.

Yours sincerely

Richard Lloyd

Richard Lloyd

**Vice-Chairman, CPRE Gloucestershire**