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By email only to: Linda.Townsend@gloucestershire.gov.uk

APPLICATION NO: 20/0060/TWROMP

DESCRIPTION: Second periodic review of planning conditions for planning permission 99/5003/TWROMP

LOCATION: Guiting Quarry, Upper, Coscombe, Temple Guiting, Cheltenham, Gloucestershire GL54 5SB

Thank you for formally consulting the Cotswolds Conservation Board ('the Board'), on 15 January 2021, on the review of planning conditions at Guiting Quarry, which is located within the Cotswolds National Landscape.

The Board recognizes that this is a Review of Old Minerals Permissions (ROMP) and that the principle of the permission for the development is, therefore, not under question. We also recognise that the applicant may be able to claim for compensation if any new planning conditions (that are different to those proposed by the applicant) were to prejudice adversely, to an unreasonable degree, either the economic viability of the operation or the asset value of the site, taking account of the expected remaining life of the site.

However, it is still important to consider whether the proposed planning conditions are sufficient to ensure that the development can be controlled, such that it does not cause unacceptable impacts upon local residents or the wider environment, including the Cotswolds National Landscape.

Within this context, we have a number of concerns regarding:

- the ROMP process for Guiting Quarry to-date, specifically the mineral planning authority's (MPA) Environmental Impact Assessment (EIA) screening opinion;
- the new conditions proposed by the quarry operator;
- the cumulative impacts of the cluster of quarries in the vicinity of Buckle Street and the B4077.

In particular, we are concerned about the impact of the current baseline of HGV movements, associated with this quarry cluster, on the tranquillity of the Cotswolds National Landscape and on the amenity of local communities. The Guiting Quarry proposals are likely to further exacerbate these adverse impacts.

Whilst we recognize the tight time constraints for agreeing new conditions, we urge the mineral planning authority (MPA) to take account of these concerns and to implement the following recommendations:

- **EIA:** The MPA should revise their EIA screening opinion to take account of the likely increase in HGV movements compared to the current baseline and an EIA should be required.
- **Proposed Conditions:**

Cotswolds Conservation Board

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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

- **Condition 1:** Condition 1 should remain unchanged (i.e. there should be no amendments with regards to the expiry date of February 2042).
- **Condition 2:** The proposed working programme / scheme should be reviewed to maximise the amount of low value by-product that can be retained on site, without sterilising the high value dimension stone strata, within the context of an economically viable operation.
- **Condition 21:** The applicant should be required to submit a restoration plan at this stage, rather than leaving this until a later date. This restoration plan should be integrated with a working scheme that maximizes the amount of by-product that can viably be retained on site.
- **New conditions:**
 - **Production / output / HGV movements:** A new condition (or conditions) should be applied, which sets a cap on production, output and HGV movements at Guiting Quarry. This cap should not exceed the proposed production levels of 200,000tpa.
 - **Output of different products:** A new condition should be applied that sets a maximum level of output for each type of mineral product.
- **Cumulative impacts:**
 - The MPA should undertake a cumulative impact assessment for the cluster of quarries in the vicinity of the B4077 and Buckle Street to establish a robust baseline of cumulative impacts, including HGV movements.
 - Decisions on other significant planning applications within this quarry cluster should be postponed until after the ROMP process at Guiting Power has been completed.

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

Yours sincerely,



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APPENDIX 1. SUPPORTING INFORMATION

ROMP process to-date – EIA screening opinion

The MPA's screening opinion states that:

- *It is considered that the continued extraction of mineral ... would have minimal adverse impact on the environment either by itself or in combination with other development in the vicinity of the site to have a significant effect on the special qualities of the AONB [or on the environment] to warrant the production of an Environmental Impact Assessment.*

The Board is very disappointed with the screening opinion's conclusion that an EIA / Environmental Statement would not be required and the justification provided for reaching this conclusion.

Guiting Quarry forms part of a cluster of eight quarries in the vicinity of the B4077 and Buckle Street, between Bourton-on-the-Water and Toddington. We recognize the contribution that the dimension stone products from these quarries makes to conserving and enhancing the local distinctiveness of the built environment of this National Landscape. However, we are also very concerned about the impacts of these quarries on the tranquility of the Cotswolds National Landscape and on the amenity and well-being of local communities, particularly with regards to the associated HGV movements. The cumulative impacts are of particular concern.

The output at Guiting Quarry is forecast to increase from zero (during its eleven year dormancy, between 2008 and 2019) to at least 200,000tpa, which equates to approximately 20,000 HGV movements per annum (mpa). It is our understanding that the output from most of the other quarries in this cluster is much less than this. Only Naunton Quarry, with a permitted output of 500,000tpa (equivalent to approximately 50,000 HGV mpa) is larger.

As such, it is evident, that there would be a significant increase in HGV movements in this locality, compared to the baseline in which Guiting Quarry was dormant. Our Tranquillity Position Statement identifies that, as a 'rule of thumb', an EIA should normally be required for a development that is likely to increase HGV movements on local roads by 10% or more. Given the significant output proposed at Guiting Quarry, it is highly likely that the increase in HGV movements on local roads (particularly Buckle Street and the B4077) will exceed this threshold.

It is important to note that this rule of thumb is based on the rules of thumb specified in the 'Guidelines for the Environmental Assessment of Road Traffic', by the Institute of Environmental Assessment (now the Institute of Environmental Management & Assessment (IEMA)).

Whilst we recognize that Guiting Quarry probably had this level of output prior to 2008, it is important to have regard to the more recent baseline conditions, during which the quarry was dormant. Also, prior to 2008 and, in particular, prior to the last ROMP in 1999, output across the other quarries in this cluster (including Naunton Quarry) may well have been considerably less than it is now. As such, the cumulative impact of HGV movements across this quarry cluster at the time of the last ROMP may well have been less than the current cumulative impacts.

For the reasons outlined above, we recommend that the MPA should review their screening opinion and specify that an EIA is required.

As indicated above, we acknowledge that the principle of the permission for the development is not in question. However, if an EIA is required, this will provide greater scrutiny of environmental impacts, particularly in relation to impacts on the tranquillity of the Cotswolds National Landscape, which is one of the area's 'special qualities'. It will also provide greater scrutiny of the cumulative impacts of this cluster of quarries.

Further comments on the issue of cumulative impacts is provided later in this consultation response.

PLANNING CONDITIONS

Duration of Permission

The Board is concerned that the applicant is proposing to, in effect, extend the planning permission beyond the current expiry date of 21 February 2042.

Because of the risk of the applicant seeking compensation, the planning conditions that are put in place through the ROMP process are less stringent than they would be if this was not an old mineral permission. If the expiry date for the planning permission is extended beyond February 2042 in any way (including with regards to the removal of equipment and completion of restoration), these less stringent conditions would also potentially extend beyond February 2042. This would not be acceptable.

The only exception to this should be the aftercare period which may need to extend beyond 21 February 2042.

We recommend that Condition 1, relating to the expiry date of the planning permission, should remain unchanged. If the applicant wishes to extend the expiry date at some future point in time, this should be the subject of a full planning application in which any potential planning conditions would not be subject to the constraints of the ROMP process.

Ideally the aftercare period should be extended beyond five years in order to ensure that the proposed limestone grassland becomes fully established.

Working Scheme

The Board is concerned about the proposed working scheme. This is because the proposed working scheme appears to provide very little scope to retain any of the by-product, from the extraction of dimension stone products, on site. Instead, it appears that this by-product will be processed and sold as aggregate or agricultural lime. This means that there is likely to be very little material left on site for the restoration of the quarry.

In their planning application to increase output at the nearby Oathill Quarry, the applicant has made it very clear that aggregate and agricultural lime are '*low grade and low margin*'¹ products. As such, retaining some of this by-product on site would presumably not prejudice adversely, to an unreasonable degree, either the economic viability of the operation or the asset value of the site.

We recognise that it is important not to sterilise the high quality strata. However, given the large size of the quarry (18ha), there would presumably be some scope to extract the high quality product in phases and back fill the worked out areas with some of the low value by-product. Ideally, the removal of low value by-product from the quarry should be kept to the minimum necessary to enable access to the high quality strata.

¹ As stated in the letter from Johnston Quarry Group to the case officer on 21 August 2020.

To address this issue, we recommend the proposed working programme / scheme should be reviewed to maximise the amount of low value by-product that can be retained on site, without sterilising the high value dimension stone strata, within the context of an economically viable operation.

Restoration

We support the proposal to restore the site to limestone grassland. However, we are concerned about the proposed amendments to Condition 21, which seek to postpone the submission of a restoration plan. We are also concerned about the proposed retrospective infilling.

The issue of how the quarry will be restored should be an integral consideration now, rather than left for detailed consideration at a later stage. For example, the restoration will partly depend on the amount of low value material / by-product that is retained on site. This, in turn, will depend on the proposed working scheme.

If the restoration of the quarry isn't addressed at this stage, it is highly likely that the quarry will be stripped of all saleable material. This would leave very unstable quarry faces and very little material to contribute the proposed restoration. This risk is particularly significant given the applicant's track record, at other quarries within the Cotswold National Landscape. For example, at Castle Barn Quarry in Oxfordshire, the applicant secured planning permission to remove 'excess' by-product but then ended up removing so much by-product that they were no longer able to achieve the agreed restoration plan.

Whilst these issues could, arguably, be addressed through retrospective infilling, the importation of material itself would have its own adverse environmental impacts – not least, the continuation of high levels of HGV movements.

Therefore, we recommend that the applicant should be required to submit a restoration plan at this stage. This restoration plan should be integrated with a working scheme that maximizes the amount of by-product that can viably be retained on site.

New condition – maximum output

There are currently no limits on the level of production / output at Guiting Quarry. The applicant has indicated that production is initially anticipated to be in the region of 200,000t. They have also indicated that, as quarry operations develop, this level of production will be increased. Previous production levels are known to have exceeded 250,000tpa.

We are very concerned about the prospect of output from Guiting Quarry remaining unconstrained, with no maximum output level. Guiting Quarry is likely to be a major contributor to overall HGV movements in the vicinity of Buckle Street and the B4077. As outlined above, we are already concerned about the impact of the existing baseline of HGV movements, in this locality, on the tranquillity of the Cotswolds National Landscape and on the amenity of local residents. Allowing unfettered production at Guiting Quarry would only exacerbate this issue.

Allowing unfettered production would also make it very difficult to establish and maintain a robust baseline of (permitted) HGV movements in this locality.

In the context of a national important, designated landscape, we do not consider that it would be 'unreasonable' to set a cap on production / output at Guiting Quarry or, by extension, on the number of HGV movements at the quarry.

Another relevant consideration is the applicant's comments relating to their proposed increase in output at the nearby Oathill Quarry. The applicant has indicated that if the increase in output at Oathill Quarry is not permitted, they will simply increase production at Guiting Quarry instead. The planning conditions at Guiting Quarry should not be so weak as to allow this to happen.

We therefore recommend that a new condition (or conditions) should be applied, which sets a cap on production, output and HGV movements at Guiting Quarry. This cap should not exceed the proposed production levels of 200,000tpa.

New condition – type of output

As outlined above, we recommend the proposed working programme / scheme should be reviewed to maximise the amount of low value by-product that can be retained on site, without sterilising the high value dimension stone strata, within the context of an economically viable operation.

This review, combined with a good understanding of the geology of the quarry, should make it possible to identify the likely amounts of high value dimension stone and low value by-product that will be produced at the quarry and how much output of each type of product is required.

Assuming that it is possible / viable for the applicant to compile this information, presumably it would also be possible to identify the likely output of the different types of products from the quarry.

Setting limits on the different types of products, on this basis, should help the MPA to monitor the extent to which the operator is focussing quarry production on the high value dimension stone products, rather than simply maximising output of all products (including the relatively low value aggregate and agricultural lime products).

Setting such limits will also help the MPA to identify the amount of aggregates, for example, that would still be required from other quarries in order to meet the needs identified in the Gloucestershire Minerals Plan. This, in turn, would help the MPA to identify whether proposals to increase, or continue, output at other quarries, within the Cotswolds National Landscape, are actually needed.

We therefore recommend that, in addition, to setting a maximum level of overall production / output, the planning conditions should also set a maximum level of production / output for each type of mineral product.

CUMULATIVE IMPACTS

As outlined above, we are already very concerned about the impacts of HGV movements, associated with this quarry cluster, on the tranquillity of the Cotswolds National Landscape and on the amenity of local communities. Significantly increasing output at Guiting Quarry will only exacerbate this issue.

One of the key challenges in trying to assess the potential impacts of quarry proposals is the lack of a comprehensive baseline of HGV movements and other cumulative impacts associated with the cluster of quarries in the vicinity of Buckle Street and the B4077.

In order to address this issue, we recommend that the MPA should undertake a comprehensive assessment of these baseline cumulative impacts prior to making any further decisions on planning applications in this quarry cluster (particularly for the larger quarries). Ideally, this should be implemented before new conditions are agreed at Guiting Quarry. However, we recognize that the ROMP process is subject to tight time constraints, which might make this aspiration challenging to achieve.

We recommend that decisions on other significant quarrying proposals in this locality, such as the proposed extension / continuation of quarrying at Naunton Quarry, should be postponed until after the ROMP process has been completed at Guiting Quarry. This is because the need for such proposals will depend, to some degree, on the anticipated / permitted output at Guiting Quarry.