



## PLANNING COMMITTEE

**MINUTES of the meeting of the Planning Committee held on Thursday 10 September 2020 commencing at 10.00 am.**

**PRESENT  
MEMBERSHIP:**

Cllr Phil Awford (Chairman)	Cllr Graham Morgan
Cllr Robert Bird	Cllr Shaun Parsons
Cllr David Brown	Cllr Alan Preest
Cllr Dr John Cordwell	Cllr Steve Robinson
Cllr Bernard Fisher	Cllr Pam Tracey MBE
Cllr Terry Hale	Cllr Robert Vines
Cllr Stephen Hirst	

**Substitutes:**

**Apologies:** Cllr Simon Wheeler and Cllr Will Windsor-Clive

**23. DECLARATIONS OF INTEREST**

Councillor Awford declared he represented GCC on the Wessex & Severn and Wye Regional Flood Coastal Defence Committees.

Councillor Vines declared he had professional dealings with Allstones and would remove himself from the meeting for the Allstones application (20/003/GLMAJW).

Councillor Hirst declared that he had been involved with the Parish Council in relation to the Babdown application (19/0018/CWMAJW) and would therefore remove himself from the meeting for that application.

Councillor Parsons declared in relation to the Loaders Barn application (19/0089/CMAJM), that he was a member of the Cotswold Conservation Board (CCB) and would remove himself from the meeting for that application.

**24. PUBLIC QUESTIONS**

No public questions were received.

**25. MEMBERS' QUESTIONS**

No Member's questions were received.

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## **26. MINUTES OF PREVIOUS MEETING**

Councillor Cordwell had submitted some minor amendments to the Minutes, and subject to those being made it was agreed that the Minutes would be approved.

### **Resolved**

**That the Minutes of the meeting held 9th July 2020 be approved as a correct record and signed by the Chairman, subject to the suggested amendments.**

## **27. APPLICATION NO: 20/0003/GLMAJW SITE: ALLSTONES SAND & GRAVEL CENTRE, LAND OFF MYERS ROAD, GLOUCESTER GL1 3QD**

The Head of Democratic Services facilitated the meeting and advised the Committee and registered speakers of the procedure which would be undertaken during the course of the virtual meeting. For the benefit of the public watching via the live YouTube link the following Officers were introduced: Linda Townsend: Senior Planning Officer for the current application, Nick Bainton: Senior Planning Officer, Denis Canney: Senior Planning Officer, Sarah Pearse: Principal Planning Officer, Kevin Phillips: Planning Development Team Manager, Simon Excell: Lead Commissioner, Carrie Denness: Principal Lawyer and Martin Evans: Solicitor.

The facilitator introduced the following Technical Advisors: Nick Rowson: Atkins, Gary Kennison: County Ecologist, Stephen Hawley and Matthew Prince: Highways Development Management, Adam Lawrence, Atkins.

A summary of the application was presented by Linda Townsend, Senior Planning Officer aided by a PowerPoint presentation.

It was explained that a planning application has been made under Section 73 of the Town and Country Planning Act 1990 seeking to vary 6 planning conditions on the current planning permission 07/0081/GLMAJW which controls how the site should operate as a waste transfer station. The proposal arose out of the changes the applicant had already made to the operational aspects of the business in order to improve efficiency of waste recovery and reduce manual handling.

The application site had approval to accept up to 75,000 tonnes of waste a year of household, commercial and industrial wastes such as soil, wood, plastic, ferrous and non ferrous metal waste which was sorted by type, bulked up on site and then transported for reprocessing elsewhere or landfilling of residual waste. No change was proposed to the amount or to the type of wastes accepted on the site.

The Case Officer reported that following the public consultation on the proposals, six objections had been received from local residents to which the local County Councillor had raised his own concerns. The issues raised in these objections related primarily to the loss of amenity, particularly from noise and dust from waste operations as well as impact on the highway. There were no objections from the statutory consultees. The Case Officer referred to a late representation received from one of the objectors, it was noted that this had been circulated along with the

Officers response to Members prior to the Committee meeting. The officer asked if the item could be taken as read, given a mixed response the Chairman decided to call for a brief adjournment after the officer presentation had concluded to allow members sufficient time to read them in detail.

Members were advised at slide 2, that the following corrections needed to be made to the report. These were noted as:

- Paragraph 1.2: "initially" on 5th line had been misspelt and the words "are directed" had been omitted after "different waste streams" on the 7th line.
- Paragraph 1.4: the word "is" should be replaced by "are" after "Materials" on the fourth line.
- Paragraph 2.3: in Existing Condition 2 "with" in third line should be "within" and this also applied to Condition 2 of the recommended conditions in Section 8.0.
- The reason for condition 17 in Section 8.0 needed to follow the amended condition and not before it.

Slide 3 detailed the application site, it was noted that it was located 1km south-east of Gloucester city centre. This elongated site lay to the north of the Cheltenham to Gloucester railway line and to the northwest of an area of land known as the Railway Triangle. Eastern Avenue was over 500 metres to the east and Metz Way was 75 metres to the south. The application site was accessed from Myers Road via Horton Road which was approximately 180 metres from the western end of the site.

The Case Officer reported that only the 0.8 ha application site had planning permission for a waste transfer operation, it formed part of the applicant's much larger landholding to the east and west. Members were reminded of the approval of a renewal of a temporary planning consent at the January 2020 meeting for inert waste recycling on the 1.89 ha tear drop shaped site at the western end of the site. Other land in the applicant's control was used for the storage and sale of sand and aggregates, skip storage and also a concrete batching plant operated by Breedons.

Slide 4 gave an aerial view of the Allstone site entrance onto Myers Road, leading off Horton Road. It was noted that Morrisons Supermarket, was accessed off Metz Way. Gloucester Royal Hospital was located to the west of Horton Road. The residential area known as Swallow Park was located to the north west of the application, while Armscroft Park estate lies to the north east. The area of public open space to the north of the site was also known as Armscroft Park, this was used by the Gloucester Old Boys Rugby Club. The Rugby Clubhouse and its car park were adjacent to the northern boundary of the application site. The Clubhouse and car park were reached by a long access road, from Myers Road. The access road runs along the northern boundary of the adjacent part of Allstones site and separates it from the rear gardens of dwellings on Norman Ball Way on Swallow Park. Wotton Brook runs along the eastern side of Armscroft Park within 34 metres of the eastern end of the application site, but the application site was not in the floodplain. The Brook was culverted under the railway line.

Slide 5 displayed the footprint of the Materials Recycling Facility (MRF) building which took up most of the application site, with the boundary following the northern

and eastern walls of the building. The remaining part of the site comprised of the yard which wrapped around the south and west sides of the building. The proposal was to include the two areas shown hatched on the southern and western sides of the building for bulking up waste. The existing permission did not permit areas outside the MRF building to be used in connection with the waste transfer operation.

The Committee were asked to note that access to the application site was from its North West corner, leading to Allstones main site gates. A weighbridge was located close to the application site access in the north western corner of the application site. A one way traffic system operated around the northern, eastern then southern walls of the MRF building, allowing vehicles to exit the site by same access route.

The applicant sought to regularise the installation of ancillary structures. They include a modular building used as a canteen, a pedestrian gate to provide access to the Rugby Club car parking area to the north and backup generator which had been located along the northern site boundary of the application site. Two covered sand storage bays known as Zapp shelters had been installed along the southwestern and southern application site boundary.

It was explained that a two storey office building, located adjacent to the northern site boundary and the site access was granted permission on 24.07.20 under planning reference 20/0019/GLMAJW as the structure straddled the application site boundary.

This photograph on slide 6 showed the main site entrance gates from Myers Road. Slide 7 photograph showed the view looking back towards the entrance gates from within the application site. The site office and canteen building could be seen on the right and the edge of a Zapp shelter on the western site boundary could be seen to the left of the entrance to the application site.

Slide 8 through to slide 14 gave varying views of the site, including access points and the site boundaries.

Members were advised at slide 15, that the rugby club car park was accessed by a road which ran between the northern boundary of Allstones site and the rear gardens of properties on the Swallow Park estate. It was highlighted that there was security fencing on the northern boundary of Allstones site but this was not part of the application site. The nearest property to the application site was 14 Norman Ball Way which was 50 m to the NW and 32 Blinkshorn Bridge Lane was 75m to the E of the site.

The proposed amendment to the site layout on slide 16 included the use of an area of the yard outside the western doors of the MRF building for bulking up of waste to be taken off the site. Slide 17 displayed the second area outside of the MRF building proposed to be used for bulking wood waste and located outside of the door on the southern elevation.

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The Committee were shown a floor plan with building elevations and advised that the applicant also sought approval for alterations which have been made to the MRF building, as detailed in slide 18. Three large electrically operated roller shutter doors have been added to the northern elevation while there are now four doors on the western elevation. These are shown at the top of the drawing.

The floor plan showed the layout inside the MRF building with the waste reception area at the western end and a large mechanised picking line at the centre of the building. Waste wood for shredding was stored in bays along the southern internal wall, by the southern door and plastic waste was stored in the north east corner by the eastern door. The northern doors provided access for vehicles removing soil fines, bagged sand and for overnight parking.

Slides 19 through to slide 23 gave an overview of the internal site operation within the building.

The Committee's attention was drawn to slide 24 which displayed the centre of the MRF building, it showed the mechanised picking line where the employees worked within a climate controlled area. The employees picked off different materials from the conveyor, as it passed before them which were then dropped into the bays below, segregating and bulking up the different waste streams.

Slide 25 displayed the northern side of the picking plant and the red coloured conveyor system which allowed fine soils and particles to drop from the conveyor into the bays below before entering the enclosed picking station. The hopper shown to the left of the yellow walkway was used to bag sand which was loaded onto pallets and removed via the northern door.

Slide 26 revealed the view of the three new doors on the northern side of the building, looking towards the western end. The hopper/bagging machine could be seen in the foreground of the photograph.

Slide 27 showed where wood waste was shredded inside the building by the machine on the left of the photograph and removed by the southern door which could be seen on the right.

The photograph on slide 28 was taken by the eastern door of the building and showed some UPVC being bulked up in a storage bay and the end of the picking line.

Slide 29 showed the eastern elevation of the MRF building and was taken from the aggregate storage area which was not within the application site. The application site boundary follows the eastern wall of the MRF building. Measures such as keeping the outside yard clean and dampening down areas in dry weather are an important control measure set out in the dust suppression scheme which has been submitted for approval.

Members were advised on slide 31 that the existing planning permission was subject to a planning condition which limited noise from the application site to 55dB at the application site boundary. The applicant proposed to amend this condition to

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55dB at the nearest residential receptor. The applicant recognised that the assessment of the impact of noise on the surrounding area would be an important consideration in this proposal. The applicant had commissioned noise consultants to prepare a noise impact assessment of their operations.

It was explained that Slide 31 taken from the appendix of the Noise Impact Assessment (NIA) shows the noise contour plan around the MRF building. This shows the 50 – 55db noise contour in brown and that residential properties to the north and east of the site should not be adversely affected by noise. Given the results of the noise survey, a revised noise limit of 47dB had been agreed at the nearest dwellings.

The Case Officer advised Members that in addition to the NIA, the applicant's noise consultants prepared a Noise Management Plan which sets out a number of noise mitigation measures which would assist in reducing the impact of noise from operations on the site. These included the use of an automatic door opening and closing system particularly for doors along the northern and eastern elevations so they were open for the minimum time necessary to allow a vehicle to pass through. Other mitigation related to good site management, loading and unloading of vehicles and turning off of engines whilst vehicles were waiting.

The committee were advised that an important aspect of the Noise Management Plan (NMP) was the applicant's commitment to undertake an annual noise survey of the site or more frequently in case of noise complaint. The agreed noise monitoring locations were shown on slide 32 and would form part of a planning condition which would allow the Waste Planning Authority (WPA) to monitor compliance.

The Case Officer referred to slide 33, which detailed the main issue raised in the determination of this application related to concerns about noise and dust on the amenity on neighbouring residential properties. The applicant submitted information in the form of a Noise Impact Assessment and Noise Management Plan which had satisfied the Council's technical advisor and the statutory consultees that the recycling operation could be carried out without adverse impact on residential amenity. Details of a scheme to control air quality had satisfied the City Council's Environmental Health Officer (EHO).

The Case Officer reported that to improve clarity and hopefully compliance, all the planning conditions of the previous planning permission had been reviewed and the amendments were shown in Section 8.0 of the report in bold and underlined to show revised wording proposed by the applicant and the WPA. Strikethrough showed the deleted text. An additional planning condition related to the setting up of a site liaison group had been recommended to mirror that imposed on the adjacent inert waste recycling site under temporary permission reference 19/0070/GLMAJW.

In addition, the case officer recommended the following small amendments to the planning conditions which appear in the report: these were noted as follows:

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- Condition 2 : “The development hereby permitted shall be carried out within the site edged red with a continuous line on the site location plan.”
- Condition 7: “The doors on the north and east elevations shall not be used for bulking out purposes and shall only be used for the following operational purposes. Those associated with the north door of the MRF building to be: removal of bagged aggregates; removal of fine soils; overnight parking of vehicles.”
- Condition 11: “If after any 9 month period it seems that the annual limit may be exceeded, measures to reduce the rate of throughput for the immediately following 12 month period shall be agreed in writing with the Waste Planning Authority.”

The Case Officer concluded that, given the lack of material planning reasons why permission should not be granted; subject to the inclusion of the revisions to the recommended planning conditions in section 8.0, the Case Officer was of the opinion that the operator could address the concerns raised by the public, provided that all the mitigation measures proposed by the applicant were adhered to. The granting of permission to vary planning consent 07/0081 was therefore recommended.

The Chairman reminded Members of the late representation which had been mentioned at the start of the Case Officer’s presentation and which had been circulated the day before to Members of the committee via email. It was noted this representation made a number of detailed comments and posed questions and as not all Members had had the opportunity to read it, the Chairman called for a brief adjournment at 10:45am, to enable members to read the representation and response. The Committee Clerk confirmed that a copy of this email had also been sent to the registered speakers and County Councillor for information.

The Committee reconvened at 10:50am, the Chairman confirmed with members of the Committee that they had read the late representation and officer response.

The Chairman invited the registered speakers to address the Committee. The facilitator recapped the order of speakers for the benefit of the public watching via YouTube.

**Mrs Theresa Leather (objecting):**

*“Good Morning Chair and Committee*

*Firstly let me introduce myself.*

*My name is Theresa Leather and my family moved onto the Armscroft Estate 60 years ago. I grew up here until I left for University but have spent some years living overseas, returning every summer to visit the family. I have recently returned to live in the family home to renovate it after my parents passed away. Sadly it is a project that I am beginning to regret. A lot of time and money has been spent on refurbishing and I have noticed an increase in the size of the Allstones plant and its impact on the community. The noise, dust and smell that resonate from the facility is absolutely not acceptable.*

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*As I came back to Gloucester to retire I have since discovered that I can only appreciate my home on a Saturday afternoon and Sunday when the "banging and clanking" and dust in the air has stopped. The last August Bank Holiday of two and a half days was so pleasant and peaceful!*

*From my point of view it is all too evident that the plant has become far too big, situated between two residential areas, the doctor's surgery, the hospital and most importantly the school in Horton Road. An accident waiting to happen judging by the way the lorries laden with skips race up and down the road. The traffic was horrendous yesterday.*

*Furthermore some families have had to make the decision to move away to avoid the disruption and others worry about selling their existing houses. "Would you want to move into an area that is noisy, dusty and at times very smelly?" Potential newcomers have been discouraged!!*

*What's more who knows what the dust is causing to people's health? In my road alone we have cancer recovering patients, throat and asthmatic problems. Residents are constantly cleaning their cars and windows, the list goes on and on.*

*So my burning questions are;*

*Why are you continually allowing Mr Ford to violate the rules and conditions and make peoples lives a misery, many who have given up complaining and I quote "What's the point, the council aren't interested and won't do anything" ?I hasten to add that was not a very reassuring comment for a returning native to hear.*

*Why does he seek planning permission on his site, after a job has already been completed?*

*Why does he monopolize the Old Boys car park so that dog walkers have to look elsewhere to park? He clearly has enough room for his employees to park inside! You've seen the pictures.*

*Why do you feel that without informing the residents that he can take it upon himself to work on a Sunday morning 6th September? When approached to ask the question, "Why are you working on a Sunday morning", he wouldn't reply and fled in away his Range Rover! As a result of his annoyance of being caught out, he most certainly retaliated over the last few days as the increased noise level had to be reported to the Environmental Agency again and the smell was overpowering. I liken it to a pig farm. Does anyone ever monitor this site?*

*Why can noise be heard at least if not more than thirty minutes before they are due to start at 7.30am? Especially the motorbike that arrives at exactly 6:25am every morning.*

*Why is recycling in what was once a beautiful sort after area, so important above the well being of the residents who live in such close proximity.? After another fraught call to the Allstone office I was assured that they are planning to move out but are waiting on you the council to find them a new site. How long does it take?*



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*Surely it is time to do something deserving for the Armscroft and Swallow Park communities that have had enough over the years and move them out ASAP.*

*And lastly I find it very demoralizing that a few people should dictate the environment in which residents live especially when they themselves have not experienced it first hand. Come and live in our houses.*

*To conclude ;This is an age old complaint which my late father battled with for years, on behalf of the Armscroft community before he died. And like him, whilst I have no disregard whatsoever for the service that the facility offers it should simply NOT be where it presently is, end of. A new location outside of the city must surely be a cleaner and safer option for all concerned. Thank you for your time and listening.”*

**Mrs Valerie Gannon (objecting):**

*“Good Morning Chair/Committee.*

*As stated previously I am up everyday at 06.00. I witness the MRF building open, lorries leaving the site with empty skips, entering the site with waste and hear the racket from the reversing vehicles and loader. The PMO on an unannounced visit found no breach of opening times and the afore-mentioned processes are not deemed operations-unbelievable.*

*You spend a lot of time in your report looking at the impact of noise and how it doesn't exceed certain decibels.*

*My analogy for noise would be chronic pain. The pain initially is manageable but due to the consistent nature eventually it has a major impact on well-being. This would explain why 10% of suicides are due to chronic pain.*

*You allude to the cumulative effect on a community's well-being and that there should be engagement with the local communities to understand and mitigate this- when has the applicant ever approached the community?*

*I rang Allstones on the 10th April (Good Friday) to ask why they were working that day. I explained that it was my first day off for several weeks as I am a nurse manager at the hospital. I was told that they had permission to work the Friday bank holidays- a direct lie. So I informed them I would ring the council on Tuesday to confirm this. The call ended. I was then rang back by a person called Richard who was very aggressive and accused me of 'you know more about our company than we do' for the first time I am in agreement with this company. I live and breathe it, not metaphorically, literally. He then proceeded to tell me to f\*\*\* off four times before putting the phone down- Very professional, very engaging.*

*You have recommended to allow the bulking out and receipt of waste to be carried out at the West Door. This will mean those doors continually open but officers have decided it won't have any further impact. Have you witnessed the bulking out of waste into the large containers? No amount of sprinklers will suppress the dust and debris flying about during that procedure.*

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*We cannot understand how 12 years ago when the amount of waste coming in was a lot less it was deemed by one of your officers not appropriate for the west doors to be open due to the local amenity-actually I prefer to call it a housing estate, it adds in the human factor so we cannot understand why now you recommend that not only can the doors be open but the majority of the operations will happen at the west doors. Amazingly these doors are metres away from a play area.*

*The south doors will have the 'noisy' bulking out of wood, but its okay everybody because the building will be a barrier. So what is the barrier for the west doors? Our homes presumably.*

*Why was no enforcement taken about the doors that were cut in before they submitted their application, was it seen as too trivial a breach? And the canteen and the generator-there's a theme here!!*

*He has stated that he has spent £100,000 on the roof isn't that just good housekeeping to keep the building safe. And the automatic doors-well if he hadn't cut the hole for the doors illegally he wouldn't have needed the doors.*

*We have been trying to ascertain from the council who owns the Old Boys Car Park to no avail- again no transparency. Although cars park on it, it has dramatically changed. It has gone from being used for 10 hours a week for rugby training/matches with a locked gate in between for security to a car park for Allstone employees used for 62 hours a week with no locked gate. But it's ok everybody as they have a 'gentleman's agreement' with the rugby club-remarkable.*

## **CONCLUSION**

*As long as you reach your goal to increase recycling to 60% by 2020 across the county you'll give yourselves a pat on the back, but you are not so concerned with how it's done or who it impacts.*

*Thank you to the County Council, City Council and Environmental Agency for your total lack of support and spineless approach to dealing with this company. Thank you for listening."*

### **Mr Simon Ford (Applicant):**

*"Thank you Mr Chairman.*

*My name is Simon Ford and I'm the Managing Director of Allstone.*

*Allstone is a family business that has traded in Gloucester since 1983. We are one of the largest independent sand and gravel and waste recycling businesses in the south-west.*

*We currently employ 71 people all from Gloucester, 2 of which are apprentices. Our policy has always been to continually reinvest in our business and our people.*

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*In the same way that the County Council have had to make changes to the way that they deal with their waste streams we have had to do exactly the same.*

*Our waste recycling business handles a variety of waste streams including construction and demolition wastes and our customer base spans both the public and private sectors.*

*Allstone contributes to both the National Waste Policy and the County Council's sustainable waste management objectives as set out in the Adopted Waste Core Strategy. We recycle 98% of all of our waste streams.*

*The Planning Officer has clarified in her presentation what we are proposing. The changes proposed have been designed to increase efficiency and improve the safety of our employees.*

*Mr Chairman, our application has been recommended for planning permission by Officers and I would like to emphasise to Members of the Planning Committee that not one single objection has been made by any Statutory Consultee and this includes Gloucester City Council.*

*Members will see from the Committee Report that there are 8 pages dedicated to the question of noise. In a nutshell, no objection is raised by Atkins who have carefully evaluated all relevant noise matters.*

*Allstone has actively engaged in the multi Agency Liaison Group which has met approximately every 3 months and comprises of representatives of Allstone, GCC, the City Council and the Environment Agency. During that time, Allstone have invested over £180,000 on making changes in response to various matters that have been raised by the Liaison Group.*

*Over the course of the last 12 months only 4 complaints have been made and 3 of them had nothing to do with Allstone. Regrettably, we have experienced one persistent complainant who makes allegations about noise events which upon scrutiny of our CCTV systems have been found to be entirely spurious*

*I would like to emphasise to Members of the Planning Committee that our entire working area which covers both the inside of the building and all the external areas are covered by CCTV. Sadly, we have experienced one persistent complainant who makes allegations about noise events which upon scrutiny of our CCTV systems have been found to be entirely spurious.*

*Although we have experienced the lockdown period, our aggregates recycling business has remained open during that period and I can advise that not one single complaint has been made over 8 months.*

*At the January Planning Committee, the local Councillor made reference to the need for Allstone to relocate our business*

*On that matter, we have kept your Officers up to date on the efforts we have*

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*made to identify any suitable potential relocation sites. Setting aside the retained commercial Agent we have instructed, we have also written directly to the County Council's Economic Development Team, the Director of Planning Policy at the County Council, the Local Enterprise Partnership, the Head of Planning Policy at the City Council and the Director of Regeneration at the City Council. Despite these efforts, no one has been able to pinpoint any potential opportunities for relocation.*

*It's all well and good for our local Councillor to make comments about relocation but the reality is that this is a lot easier said than done.*

*In my view, all options for relocation should be on the table and that should include the County Council making provision in the forthcoming new Waste Local Plan.*

*In conclusion, we are a hard working local family business that has been established in the City for many years and we employ many local people. We have a track record of helping our local community.*

*Our planning application has been very carefully assessed by all of the professional Statutory Consultees and it has also been very carefully considered by your professional Officers. No objection has been raised to the acceptability of our planning application and we would respectfully ask that planning permission be granted.*

*Thank you for your time."*

It was noted that Councillor Preest had lost his live feed during the later part of Mrs Gannon's presentation and part of the way through Mr Ford presentations. It was noted that Councillor Preest had re-joined the meeting, during the course of Mr Ford's presentation. Once Councillor Preest confirmed that he was present in the virtual meeting room, the Committee Clerk emailed him copies of the speeches for his due consideration.

**County Councillor Jeremy Hilton (Speech summarised):**

Councillor Hilton explained that the Allstone site operated close to local resident's homes and they had a reputation for not listening to local people. Cllr Hilton referred to Mr Ford's statement in terms of looking for a new site outside of the city, he fully supported Mr Ford on that point but he felt it was a pity that the applicant had not copied him in as the local member to any correspondence to the statutory consultees as he felt he could of helped Allstones.

Councillor Hilton made reference to the fact that Allstone had already installed the building before applying for planning permission. He noted that a lot of money had been invested in the building but felt the process should be followed first. He stated the County Enforcement Officers were doing a better job, as the City Council and the EHO were not so quick to act in the past, hence local residents concerns.

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Councillor Hilton informed the Committee that Conditions associated with this application were stronger on previous occasions, however the application still spoke of bulking waste outside of the main building. He asked officers if they believed the new conditions would make it easier for the County Enforcement Officer and others to enforce the conditions in terms of compliance.

With regard to the liaison group he had not been consulted and referred to his offer at the January meeting to be involved in the group. He noted that this was a recommendation and not a requirement, he suggested that either himself, Cllr Howard Hyman or Cllr Emily Ryall as the local representatives should be included as part of the group as they understood what the local concerns were.

Councillor Hilton also referred to the amount of HGV vehicles waiting outside the homes of numbers 10,12 and 14 Norman Ball Way, in relation to the weighbridge. As lorries waited there and the noise and emissions from the engines impacted on their homes. It was noted that there was no screening at the weighbridge either. He felt that Allstones had not considered the impact on those residents who lived close by.

Councillor Hilton once again advised the Applicant that he was happy to help, and asked Mr Ford to copy him in to any future correspondence. He summarised by saying that he didn't believe Allstones were actively looking for alternative sites outside of the city. Given there was planning permission on the site for houses, he thought Allstones should relocate and all parties would then be happy.

The Chairman asked Councillor Preest if he had read the emailed presentations and he was content to continue. Councillor Preest confirmed this was the case.

Public speakers were invited to remain in the virtual meeting if they wished to do so. The Chairman invited questions from Members following the presentations. Councillor Tracey wished to know if the application site was parallel with the railway line. The Case Officer confirmed that was the case and referred to the aerial photograph within the presentation for clarity.

Councillor Tracey questioned how many of the 71 staff parked in the Old Boys Rugby Club car park, she questioned the noise of the lorries, the condition of the road and also wished to know if the operating hours could change on a Saturday morning.

The Case Officer explained that she didn't have the information available in terms of the number of individuals who parked in the rugby club car park, as that was not part of the application.

It was noted that a drivers briefing was part of the noise management plan and would require a briefing to be conducted before a visit to the site. It was noted that this was possibly an area that could be taken up via the liaison group.

The Case Officer explained that in relation to the condition of Myers Road/Horton Road, there was no planning condition to seek a repair. Horton Road was due to

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be resurfaced in the next financial year and the highway manager was aware of the issues with Myers Road.

It was noted that possibly a later start time of 8:30 may be considered to be too late for the movement of loads.

At the Chairman's discretion Mr Ford was asked if he could answer the question in relation to the number of staff who parked in the rugby club car park. Mr Ford explained that they had recently undertaken a cycle to work scheme, and some member of staff car shared, however he estimated 22 vehicles parked in the car park.

Councillor Brown questioned that lack of confidence by the local community and shared their concerns in relation to noise and wished to know where the play area was situated in relation to the application site. The Case Officer referred the aerial photograph in the earlier presentation to indicate the play area to the north of the rugby clubhouse.

Councillor Fisher questioned the procedure given that Councillor Preest had lost his connection during the presentations. Legal advice was sought from the Lawyer who confirmed that as Councillor Preest had read and digested the written submissions of the speakers he was in receipt of all the information that other Members had in respect of the application and she was satisfied that he could continue to participate in the meeting. Councillor Preest once again confirmed he had read and digested the speaker's submissions.

Councillor Parsons questioned if asbestos was handled on site. The Case Officer advised the committee that she was not aware of any asbestos on the site and she had not seen any specialist facility on site either. The Chairman referred the question to the applicant. Mr Ford explained that they didn't actively encourage it, however on occasion customers buried asbestos sheeting under other waste. In the event of asbestos being found the skip was placed in quarantine, the EHO was advised and the customer was contacted. In addition, staff had full PPE to deal with the situation.

Councillor Preest added that he had sympathy with the objectors and Allstones. He felt that Allstones were a local company that employed locally and supported the economy. He wondered if drivers had been given briefings on having consideration for the local residents and wished to know what the Local Authority were doing in terms of assisting Allstones to relocate. He referred to page 120 of the report, in relation to the site liaison group.

At this juncture the Committee Clerk advised the committee that it was not appropriate at this stage to ask further questions of the applicant. The Lawyer also confirmed the advice given, in that the applicant had the opportunity during his presentation to address the Committee in his allotted time frame. It was noted that it could be seen to be unfair by the objectors, to continue to ask questions of the applicant. The Committee were asked to consider the application before them.

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The Case Officer explained that the terms of reference for the liaison group were yet to be finalised, especially in relation to representatives from the community and District Council representative. However, It was note that the review of the Waste Core Strategy was about to commence and that this may lead to more potential sites coming forward during consultation. The Lead Commissioner for Strategic Infrastructure was invited to comment on what assistance his department could give and he added that the Economic Development Team would assist where possible.

Councillor Hale questioned the sorting of materials and the noise generated in terms of decibels and the frequency. The Technical Advisor for Noise stated that in the outdoor environment noise levels varied for different sources and there were different frequencies.

Councillor Hale wished to know how many breeches had occurred against noise levels. The Lawyer advised the Committee that breeches were not part of the decision making process.

Councillor Cordwell asked for clarification of what could be amended in a Section 73 application. The case officer confirmed that the principle of development was already established, however, where there were planning conditions it was possible to change and remove these as long as this did not change the principle of the development permitted.

Councillor Preest once again confirmed that he was present and content at this stage.

At this juncture, the committee took a brief adjournment at 11:57am.

The Committee reconvened at 12:05pm and entered into debate.

Councillor Bird proposed to accept the officer's recommendation, he referred to the points made and felt there were no fundamental reason not to allow the application. This motion was seconded by Councillor Parsons and Councillor Cordwell. Councillor Morgan was supportive of the proposal and for there to be a District representative on the liaison group. However he felt that once a year was not adequate to monitor the noise levels and requested that this be made more frequently.

Councillor Fisher concurred with Councillor Morgan's point on monitoring and suggested this could be done remotely, in light of the current situation. Councillor Robinson was supportive of the conditions and the need for a district representative on the liaison group. He requested that the Lead Commissioner's Team work with the applicant to seek an alternative site.

Councillor Parsons requested clarity in terms of amending the conditions in relation to noise. The Lawyer explained that he was looking outside of the remit of the application, it was noted that this was within the District Council's Environmental Health Officers remit.

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Councillor Hirst remarked that there were two weaknesses, one was in terms of the enforcement issues in terms of annual noise monitoring, and he felt this should be quarterly and the issue of screening of the weighbridge on site. The Lawyer reminded members that any noise or odour issues were for Gloucester City Council to investigate as the relevant environmental health authority. It was noted that GCC could write to advise Gloucester City Council that it would be beneficial to have a district representative on the liaison group.

Councillor Tracey queried the opening times again the Lawyer explained that was not within the proposal before the Committee for consideration.

The Lawyer explained that members needed to confirm if they accepted the proposed amendments that were highlighted by the Case Officer at the beginning of the presentation when confirming the recommendation. . Members confirmed they were content with the amended conditions.

Councillor Hirst referred to Condition 26 and the new site liaison group asking if the condition could be amended to state who must be party to the group, the Lawyer advised that the liaison group was lead by the operator directly and she was not minded to advise additional wording at this stage.

In terms of the liaison group and its membership, Members asked if the Case Officer could contact the District Authority on behalf of the WPA to request local representation. It was noted as the applicant was present at the meeting; he would undoubtedly be taking this point on board.

Councillor Cordwell referred to the amended conditions and sought clarification. The Case Officer confirmed those amended conditions would be included within the planning permission if granted.

Councillor Brown was disappointed that the Committee were unable to include a condition which related to the local representative in relation to the liaison group. The Case Officer explained that the liaison group were progressing with the terms of reference and this point would be taken up with the applicant.

The Case Officer stated that the liaison group was moving forward with the terms of reference.

The facilitator recapped that the Committee agreed the amended conditions and other matters raised relating to the noise monitoring, the site search and screening of the weighbridge and that these would be brought to the attention of the City Council.

On being put to the vote, the application was passed (10 in favour and 2 against).

The Planning Committee therefore:

**Resolved**



**That planning permission be granted for the reasons summarised in paragraphs 7.102 to 7.108 subject to the planning conditions recommended in Section 8.0 of the report as detailed in the presentation.**

**28. APPLICATION NO: 19/0018/CWMAJW SITE: BADDOWN INDUSTRIAL ESTATE, BABDOWN AIRFIELD, TETBURY, GLOS GL8 8YL**

Nick Bainton, Senior Planning Officer advised the Committee that he had received a late representation and request in relation to Condition 26 (page 182 of the report) of the application. The request asked if the application were to be approved, could the proposed Condition be amended to: "A routeing and vehicle speed strategy shall be submitted to and approved in writing by the Waste Planning Authority within 3 months from the date of this permission in order to address local concerns in relation to the vehicle manoeuvres through Nailsworth, Beverston and Tetbury. The approved strategy shall be implemented and adhered to throughout the duration of the development".

The late representation explained that the proposed changes would help to ensure that the effects of an approval on Nailsworth residents living on the A46 (in particular) were minimised, while ensuring the hard-won speed reduction measures that were due to implemented in Nailsworth in the near future are acknowledged and respected.

The Case Officer advised the Committee that the wording for this condition had been provided by the Highways Authority; therefore it was not within his gift to amend the wording. Also the speed of vehicles on the public highway network was an issue for the police.

It was noted that the Case Officer had requested the applicant to consider the inclusion of 'Nailsworth' within the routeing strategy required by Condition 26. A summary of the application was presented by Nick Bainton, Senior Planning Officer aided by a power point presentation. The Case Officer proceeded to the main presentation and explained the proposal before the Committee was a planning application by Valley Trading Limited for the variation of condition 8 (throughput) relating to planning consent 09/0036/CWMAJW dated 15/01/2010 to increase the annual throughput from 45,000 tonnes to 75,000 tonnes at Babdown Industrial Estate, Babdown Airfield, Beverston, nr Tetbury, Gloucestershire.

The Committee referred to the site location plan at slide 2, the Case Officer orientated members in terms of the site and the closest residential properties.

The photograph on slide 3 showed the site location within the existing Babdown Industrial Estate on the former wartime airfield, located to the south west of Beverston. The 3.5 Ha site was rectangular in shape and formed part of the larger 13.2. Ha industrial estate. The land surrounding the estate comprised of agricultural fields.

It was explained the view was of the site from the north. There were no adjacent residential properties to the site, with the closest being Babdown Cottages, 750

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metres from the site. Views of the site from the landscape were screened by the existing industrial estate and the established bund and planting which bordered the south, west and east boundaries of the site. It was noted that the site was located within a protected landscape; the Cotswold Area of Outstanding Natural Beauty (AONB).

Slide 4 showed the view from the same location as the previous slide, but looking north to the A4135. Beverston Bridleway 14 ran left to right at this point. Slide 5 displayed the view of the site from the north-west corner of the screening bund. The bund adorned the south, west and east boundaries of the site, with mature planting. The Case Officer advised the Committee that the enclosed processing building was visible towards the rear of the site, and was screened from view by the neighbouring industrial units.

Slide 6 showed the bund on the west boundary, with accompanying mature planting. Slide 7 depicted the view from the point of access east along the A4135. Slide 8 displayed the view west along the A4135, with a view of Babdown Cottages between the two road signs.

Members noted slide 9 which showed the view west along the A4135 towards the junction with the A46 in the vicinity of Calcot Manor and Spa. Slide 10 displayed the view east along the A4135 with the entrance to Calcot Manor and Spa on the left. Slide 11 showed the relationship between the location of the site, the Cotswold AONB and Zone C, where strategic waste management facilities would be preferred.

The Case Officer drew members attention to slide 12 which referred to Section 7, on page 31 of the report, which detailed that the main considerations material to the determination of this planning application to vary condition 8 (throughput) of planning consent 09/0036/CWMAJW to increase the annual throughput from 45,000 tonnes to 75,000 tonnes. These were noted as:

- The extent to which this development complies with national planning policies and the policies of the Development Plan for Gloucestershire;
- Impact of the additional traffic created;
- Impact of the development on the special qualities of the Cotswold AONB;
- Impact of the development on heritage assets in nearby settlements.

It was explained that additional issues had been raised through consultees which related to:

- The necessity for an Environmental Impact Assessment;
- The appropriateness of the County Council to determine a planning application according to the provisions of Section 73 of the Town and Country Planning Act 1990.
- The impact of the proposal on the Council's climate change commitment.

Members were advised that the report had addressed the need for an Environmental Statement and the mechanism for consideration of the proposal.

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The proposal was considered to be consistent in context with the County Council's Climate Emergency Declaration.

The proposal was considered to comply with the guidance in the NPPF, particularly Paragraph 80, 83, 109, 172 and 193, National Planning Policy for Waste, Paragraph 1, Policy WCS3, WCS4, WCS14, WCS16, WCS18 and WCS19 of the Gloucestershire Waste Core Strategy and Policy EN4, EN5 and INF4 of the Cotswold District Local Plan".

The Case Officer summarised that on balance, it was considered that the proposal complied with the Development Plan, National Planning Policy and any other relevant policies or Guidance and where there is a conflict with any Policy, other material considerations; the potential impact of the extra HGV traffic – which represented a 0.2% increase in highway traffic, the potential impact to the Cotswolds AONB and the potential impact upon heritage assets were all considered to either not be significant enough to recommend refusal or alternatively they were capable of mitigation.

The Chairman invited the registered speakers to address the Committee. The facilitator recapped the order of speakers for the benefit of the public via You Tube.

**Mr Richard Ball (Objecting):**

*“Chairman of the committee.*

*I'm the CEO of Calcot collection hotels, we have owned the hotel for over 36 years, repurposing it from a redundant farm to current operation, which employs over 200 staff directly. Calcot is visited by 22,000 hotel visitors every year many from overseas. We therefore support a significant micro economy of small suppliers, retail outlets and visitor attractions but I suggest this is critical to this local economy. These visitors spend well in the struggling communities and visitors visit many visitor attractions providing employment in the region. Calcot probably directly support 1000 jobs or more in the local community.*

*The increased traffic that it will generate, will directly impact our business. We chose to locate in an AONB because we understood it to be a protected area. Protected from unreasonable incursion or industrial development. Protected by policies such as the Tetbury neighbourhood plan and the waste course strategy, both of which I think will be largely overlooked if this application is allowed to pass.*

*Despite this “protection” we have before us today an application which is going to enlarge a waste facility in the midst of this AONB, to capacity that is as large as the site that serves the city of Bristol.*

*This application will take the capacity to way over 50,000 ton threshold that demands exceptional circumstances and rigorous inquiry. Where are these exceptional circumstances or what they are that outweigh the importance of tourism and heritage in the AONB that is clearly stated in policy.*

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*Valley Trading is not even operating at capacity. Approving this without greater cause sets a dangerous precedent that poses a risk to torrent sites right across the AONB. Is this the future we have in mind for our region, if we believe tourism is important to our economy, we have to afford it a greater measure of protection?*

*And where is the rigorous inquiry? The traffic report which took place in the absence of the required data that valley trading are required to keep, was carried out on the day when the road was closed in one direction, this beggars belief and it did not even extend to counting the traffic flowing west from the site past Calcot, it only counted in one direction. The conclusion that a 67% increase in waste capacity would lead to only 12 extra lorries past Calcot, is laughable questionably inaccurate and the process used, surely does not meet the policy of rigorous examination.*

*Beyond the legality, let me make it absolutely clear that the scale of the uplift, contained in this application is meaningful and one that directly put these jobs and the economy at risk.*

*The report claims that the rooms at Calcot are protected from the road by car parks, this is not correct 18% of the rooms back directly onto the road and have pillows within three metres of dozens of skip trucks breaking hard as they approach the crossroads.*

*Once again, I ask where is the rigorous examination. A further 15% of these rooms in the main house have windows facing the A4135. Over a third of our rooms are impacted, it is not unusual for us to handle half a dozen strong complaints each week from people who are unlikely to return. This materially affects the viability of our business and I ask you, is the case for the expansion of the Valley trading so irrefutable, that our business which has supported possibly 1000 rural economy jobs in 36 years should be put at risk.*

*I should make it absolutely clear that we accept the presence of Valley trading at Babdown, but we can only co-exist if the perfectly reasonable limitations that were imposed in the original consent are maintained. These limitations were considered necessary to protect the AONB in 2001, they've already been increased once in 2010. What possible legal justification is there for increasing again. Thank you"*

**Mr Adam Rabone (Objecting):**

*"Thank you Chairman and Committee Members.*

*My name is Adam Rabone and I'm a chartered town planner. Decisions makers are required to determine applications in accordance with policy. The law permits deviation if material considerations allow, but as the NPPF states 'permission should not usually be granted' if there is a conflict.*

*This application is classed as major developments and approval would redefine the site as a strategic waste facility as it will push capacity far past the 50,000 tonne limit to 75,000 tonnes. The development plan states unequivocally that strategic*

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*waste facilities must be located within zone C. Please note policy does not state this as a preference outside of the AONB. Therefore there are numerous policy conflicts confirmed to you within the committee report.*

*Zone C is part of a carefully planned spatial strategy which was drafted following years of sustainability testing, public consultation and extremely rigorous public examination process. Zone C primarily exist to protect the AONB and its special assets inappropriate development by directing major strategic waste facilities to other locations. Note there is no embargo on smaller facilities such as currently operated by the applicant and there is no reason this business would fail if the application is refused. Within the AONB and in alignment with the NPPF, policy EN5 and WCS14 confirmed that for major developments such as this planning permission should be refused except in exceptional circumstances, it must be subject to the most rigorous examination. The applicants must demonstrate how the development is in the public interest and that it needs, can be met elsewhere, this should be taken into account.*

*Paragraph 7.50 of the committee report confirms there is unused wasted capacity outside of the AONB, therefore there is no public need shown for the is development or a business case.*

*In fact approval would be in conflict with the quite exceptional requirements adopted in the AONB Policy and in the zones spatial policy. So to grant a lawful consent, councillors must be satisfied that material considerations are sufficient to overcome conflict. In weighing this, please be mindful that policies would protect the AONB and the Zone C strategy are some of the most strongly worded robustly tested policies that form the fundamental underpinning of the whole plan.*

*However, far from being clear, I do struggle to identify what the material considerations are from the report, nor can I find sufficient supporting evidence, particularly in relation to any public benefits source of waste, waste size, site operations, and traffic impact on the business case.*

*I note the report states they'll get negligible increase in traffic impacts, I ask how can adopted policies be so wrong and exceeding the threshold by 25,000 tonnes, resulting in negligible impact. It simply doesn't make any sense the only explanation is that current impacts the tranquillity; heritage; tourism and businesses have been severely underestimated.*

*Symptomatic of this is the lack of recognition of Tetbury neighbourhood plans, clear objections added HGV traffic through the historic town. Reports also suggest that HGVS will be removed from the highway network, I find this conclusion illogical.*

*For example please refer to figure 3 on page 168 which shows huge areas of the applicants catchment area beyond AONB boundary, increased capacity is approved it could only draw additional HGV traffic directly into the heart of the Tetbury from Cheltenham, Gloucester Stroud, Cirencester and Swindon. There's no evidence to support the reports conclusion. Finally this is a section 73 application, which in law*

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*is a new planning permission and not simply an add on. Please do not be swayed because there is an existing business operating it's only been there since 2001.*

*To conclude I cannot find any material consideration presented which overcomes the weight of policy, indeed I am concerned that an approval would be legally challenged. I ask you not to set a terrible precedent and not erode the sustainable spatial strategy so carefully crafted and adopted in policy. Thank you”*

**Mrs Caroline Lowsley-Williams (Objecting):**

*“Everyone agrees that if this application goes ahead there will be a lot more Valley Trading Lorries on the roads. This will have a huge impact on the roads of our AONB, the towns of Nailsworth and Tetbury, plus the villages of Beverston, Horsley, Tetbury Upton and Kingscote – an area which can rightly claim to be the southern gateway to the Cotswolds. This 75,000 tonne application significantly means the 50,000 tonne cap for such a unit in an AONB is disregarded, so we need to be absolutely clear why Valley Trading needs this extra capacity. We need proper figures and an in depth traffic impact survey. Many local people, of the 154 public comments 141 (that's 90%) raised traffic as an issue, mostly worried about the volume of traffic but also concerns were raised about the CO2 omissions and adverse effects on the environment.*

*Living locally to Tetbury, and having seen first-hand the impact on Tetbury's listed buildings and shops that are subjected to the passing Valley Trading lorries – historic Long Street shudders at the skips and shakes to its core when the articulated waste lorry passes by. This application directly contravenes Tetbury's neighbourhood plan. It has more potential impact on the area than the proposed Anaerobic Digester here at Chavenage permission refused in 2016, citing traffic issues as well as the site being in an AONB.*

*The traffic assessments have not been rigorous. The County Highways officer himself states, that, “Given that there were road works on the A4135 on the day of our visit we were not able to fully appreciate what may be typical inter-peak traffic speeds and flows when traffic speeds tend to be higher” How can the assessment be thorough when carried out on a day when there were roadworks impacting traffic flow?*

*County Highways also state that they have made a number of assumptions backed by figures supplied by the applicant to identify the potential impact on road traffic. Surely we deserve to have independent data for this?*

*If you look closely at the traffic survey, it records two HGV movements associated with each sortie to collect waste. This too, is incorrect because Valley Trading does not consume waste - they process it - and therefore extra vehicle movements associated with removing it from site after processing should be added. Admittedly, the waste may go off in fewer vehicles but there will still be a minimum of three associated movements for the guessed-at average load size. This is just not good enough.*

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*All in all, the County Highways report is deeply flawed, and without rigorous analysis of these material considerations granting permission will set a very bad precedent for Waste Policy and traffic in the AONB.*

*Thank you”*

**Mr Michael Kent (Applicant):**

*“I’m Michael Kent and I manage the Valley Trading operation at Babdown Industrial Estate . We have been dealing with the area’s waste and recycling for over 20 years in this location and like most businesses we want to be successful, to grow, to employ more people, to put more money back into the local area and just as importantly reduce waste to landfill, reduce HGV miles and recycle and re-use as much of the waste the area generates as possible.*

*We have invested in highly efficient recycling equipment that is working really well. We coped well with the influx of waste generated by the Covid lockdown, as DIY projects took off and hard-core, soils, plastics, wood, metals have all been sorted , processed and either directly re-used in place of primary materials, or, for instance plastics sent for further specialist re-processing to new products.*

*The increase in tonnage that was applied for in 2019 is to allow a successful business to grow, just as has happened with other businesses on the Babdown Industrial Estate and in the AONB. The difference is that rarely do any businesses outside of minerals and waste operations attract tonnage limits on the amount of material they can handle so are free to grow without restriction or the type of scrutiny and discussion that the last 18 months has generated.*

*We are obviously very aware of the location of our business in the AONB, but we are also located on a thriving and growing Industrial Estate which is also a noted Employment site in the Cotswold Local Plan.*

*We recognise that there is a perception that any additional vehicles from the recycling business will have an impact but having provided a Transport Statement was that considered by the County Highways Team, we are happy to note that they raise no objection. In their response, on Page 150 of your report, they confirm that the increase in HGV movements, would not be materially significant to the existing movements which already occur on the A4135.*

*At the outset of this submission County Highways had confirmed that the potential for impact had to be considered in the context of the A4135 as a Strategic HGV route and that the increase in vehicles as a result of our application was likely to be less than significant.*

*Whilst we are aware of course of the concerns of residents living on the A4135 lorry route, we do not believe that there has been any evidence of what is being termed as “devastating” impacts when the increase of our vehicles, which is not an overnight switch, but normal business growth, is set against the current number of vehicles using that road.*

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*We are also aware of the surrounding landscape, the AONB, and what that means to the wider County, but equally nothing in this proposal will negatively affect the AONB. The location in the AONB and the Policy issues of the Waste Local Plan have been addressed comprehensively in the Officer report .*

*Developing our business hasn't been identified to have any reasons for refusal by the statutory and technical consultees, it is supported by planning policy, it a sustainable option, it reduces HGV miles through the AONB and we respectfully ask that planning is granted".*

**Mr Oliver Preston (Parish Council):**

*"Thank you Chairman and Committee Members.*

*I am Oliver Preston, speaking on behalf of Beverston. As a Parish Council, we are a small group of five; an NHS anaesthetist, a farmer, a retired solicitor, our chair provides tours of Chavenage House – where they film Poldark. I am a cartoonist. We are not experts in Planning and Waste Strategy.*

*Beverston has learned to live with HGV vehicles, and we have also lived alongside Valley Trading's operations since 2001. Yes, we shout a bit about the speed and noise of their vehicles, and whether the chains are sheathed, the wear and tear on the roads and litter. But they are a valuable and sustainable, independent local business – in the AONB, on top of the Cotswolds. We supported their application in 2017 for a sorting warehouse on their site. We are not nimbies.*

*For us it's actually an 88% increase since Valley Trading arrived at Babdown since 2001. That's because this is now their second variation - and in 2010 we were reassured that the increase to 45,000 would be the ceiling.*

*This application blasts through the 50,000 limit of your own Waste Policy WCS14 for an AONB. It's in direct conflict with Tetbury's Neighbourhood plan, which must be a material consideration. This shouldn't be a section 73, it should be a full blown planning application. It's 88% of the total requirements of the Waste Framework Directive for the whole of Gloucestershire. The planning officer's very long 56 page document of recommendations within is testament to the fact that this is no ordinary application.*

*What is the point of a Waste Core Strategy or a Neighbourhood plan for Tetbury - approved by councillors and the Secretary of State- if they are to be ignored by planning officers in the decision-making? What are these exceptional considerations, where are the rigorous tests on them, has a proven public interest been demonstrated? We honestly believe the recommendation is legally questionable and counsel opinion will unpick the justification of the recommendation.*



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*For example, why does Valley Trading need an increase to 75,000? Their Business Need Statement is conflicting, saying that they are a local business on the one hand, but the data that they themselves have provided shows how widespread their business already is. You only have to see the number of skips travelling through the area to see that the business is not at risk. We have several sightings of Valley Trading vehicles near Oxford and the Vale of the White Horse near Swindon. They cite examples of businesses locally as their clientele, but if they are so local, 45,000 tonnes ought to be enough.*

*In Paragraph 7.50 the Planning officer states 'There are alternative sites with potential capacity located outside the AONB: Smiths of Eastington, Hogarths in Cam, Tony's in Berkeley, Beefy' s skips in Blunston. VT's own catchment map area includes huge areas outside the AONB. What exactly is the 'source' of the waste used to justify this? Or are they trying to take business away from their competitors.*

*In section 8 of today's recommendation it states, "... operators shall maintain daily records ... and all records shall be kept for at least 24 months." This very same condition was written into the 2010 application, so why has this base traffic data not been made available to us, or to o County Highways? Instead a survey taken at the wrong location by Valley Trading east of there entrance and not by Calcot Manor, 50% of movements were not collected, a site visit when the road was closed by County Highways- is not rigorous. The AONB deserves better than this.*

*As we have heard, the local communities are shocked – it is going to affect all of our lives going forward. It's huge. Skip lorries are an emotive type of HGV, and the profusion of the Valley Trading traffic already makes them highly visible – and memorable. Does our AONB deserve to be remembered by tourists for skips? Do the tourists visiting pubs and cafes and shops in Tetbury' s Long Street need to see more skips and congestion? 18% of Calcot Manor's rooms have occupants that are regularly complaining about the existing HGV traffic, Calcot explained this earlier.. And where are the new jobs associated with this Valley Trading application?*

*Finally, it is so important that these 'material considerations' are not just gloss, you do need to look at the undercoat. We reject the \application because of WCS4 policy. We respectfully ask you to reject this application too. Thank you"*

Public speakers were invited to remain in the virtual meeting if they wished to do so.

The Chairman invited questions from Members following the presentations.

Councillor Cordwell questioned the number of vehicle movements, the Case Officer explained there was daily fluctuation and it referred to two way movements. Councillor Cordwell remarked that the increase in tonnage from 45k tonnes to 75k tonnes was not an increase of 40%. The Highways Development Officer explained that the comment predated the report, he accepted there were daily variations in traffic flow. The Committee were advised there were no grounds for highway refusal.

Councillor Robinson questioned why Nailsworth had not been included in the routing strategy. The Case Officer explained that the A46 was a strategic 'A' Road and Beverston were on the A4135, which was a different classification.

Councillor Preest felt the Parish Councils had valid points during the presentation and he referred to Paragraph 7.27 in the report he felt that the relevant Neighbourhood Development Plan (NDP) should be included or the relevant paragraphs should be included within the report. It was explained that the NDP was local to housing and not waste applications, therefore it had limited weight, whilst material to the consideration, did not form part of the development plan for waste proposals.

Councillor Preest also wished to know if the Cotswold Conservation Board (CCB) had replied. The Case Officer advised the Committee that the CCB had not formalised its response, he had contacted them but they had not responded.

Councillor Tracey wished to know if there were many more HGV's and extra traffic on the lane. She wondered if drivers/staff could be given a briefing on neighbour consideration. The Case Officer informed Members that the access road was wide enough for two HGV vehicles to pass, however it was not clear who owned the access road beyond the application site. The Highways Development Officer referred to the application Transport Statement, he explained that there was a net increase of 30 skip lorries and 6 twenty tonne lorries which equated to 72 vehicle movements. The Highways Authority did not have information relating to cars, but they estimated there were approximately six thousand per day. He added that weight restrictions on lorries would serve no benefit in this instance.

Councillor Brown referred to the Parish Council statement, that in 2010 the application was submitted for 45,000 tonnes. He wished to know the nature of the assurances. The Case Officer explained that the Planning Authority was not privileged to that information, therefore the limit had been set by the condition within the report.

Councillor Preest once again referred to NDP and Paragraph 7.27. Members were advised that the plans were reviewed in detail but the NDP was not pertinent to the application, so therefore it wasn't included.

Councillor Parsons questioned the alternative sites, he was informed that information was confidential as the business was regarded as proximate to the site. Councillor Parsons wished to know what percentage of the business was deemed as core. The Case Officer explained it was approximately 85%.

Councillor Robinson referred to the NDP and questioned why Horsley was not included. The Case Officer reiterated that the NDP had limited weight, as it was not relevant to waste applications.

Councillor Hale wished to know how many times the applicant had exceeded the 45,000 tonne limit. The Committee were informed that there had been no allegations of exceeding the weight limit, so those details had not been requested

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from the applicant given there were no grounds to seek to request the information. The application sought to increase the limit to 75,000 tonnes and there was no section 106 agreement attached to the permission.

On there being no further question, the committee moved into debate.

Councillor Bird proposed to accept the officer recommendation as it stood, he felt there was no over riding policy, the balance was within context and it was a balanced decision in the AONB.

Councillor Fisher seconded the proposal as stated by Councillor Bird.

Councillor Parsons remarked that he was not happy with the application as the increase was significant and he felt it was a step too far. He added that he would vote against the application.

Councillor Cordwell added that he lived close to the site and the A4135, HGV increase in lorry movements was small, therefore he felt there was no viable objection to the application.

Councillor Vines declared he was in favour of the application, he added there was a lot of agricultural movement in that area on a daily basis and the increase in traffic couldn't be laid solely at Valley Trading's door.

Councillor Robinson advised the Committee that he would vote against the application. He added that there were a number of large lorries in the area, some of which were unable to pass on the A46 at Nailsworth. He felt it was huge ask of residents to increase the number of vehicle movements associated with the application.

Councillor Fisher stated that there was legislation in place to ensure waste was dealt with appropriately through the waste hierarchy and that this application supported this.

Councillor Hale supported the application; he felt it was essential to have the facilities available to reuse waste. He remarked if such facilities weren't available then fly tipping would be on the increase, therefore he supported the application.

Councillor Morgan added that he would unhappily support the application; he referred to the increase of fly tipping in the Forest area due to the Covid restrictions applied to waste recycling facilities locally. He noted that the site was on an existing industrial estate and added there were numerous sites available on the forest area for businesses to grow.

On being put to the vote, the application was passed (9 in favour, 2 against and one abstention).

The Planning Committee therefore:

## **Resolved**

**That planning permission be granted for the reasons summarised in paragraphs 7.89 to 7.92 subject to the planning conditions recommended in Section 8.0 of the report.**

### **29. APPLICATION NO: 19/0089/CMAJM SITE: LOADERS BARN, LAND OFF STATION ROAD, BLOCKLEY, GLOS**

A summary of the presentation was presented by the Case Officer, Denis Canney, (Senior Planning Officer ), aided by a Power Point presentation.

The Case Officer proceeded to the main presentation and explained the proposal before the Committee was to seek permission to extract approximately 1.4 million Tonnes of clay from an agricultural field near to the existing Wellacre Quarry.

The Committee viewed the submitted site location plan. The plan showed the site outlined in red with the extraction area dashed blue. Wellacre Quarry was located to the North West, Paxford was to the North East, Aston Magna to the South East and Draycott was to the South West. Adjoining the site to the East was the Cotswold Main Railway Line.

The existing brickworks were located in the Parish of Blockley. The site was located off the B4479 Station Road. The Case Officer explained the site itself was currently in agricultural use and measured approximately 12.7 hectares (Ha) of which approximately 8 Ha would be for mineral extraction. The existing site (21 Ha), where the brickworks was located, included Wellacre Quarry (9 Ha) to the North and ancillary industrial / commercial land-uses. The surrounding area was rural, comprising of predominantly arable fields.

Members were advised the nearest residential properties/agricultural dwellings from the application site were at Stapenhill Farm and Longmeadow located 300m to the North East and North respectively. Kettle's Barn was located 390m to the south and Wellacre Farm was located 420m to the West.

The application site lay within the Cotswold AONB. Wellacre Quarry was designated as a Site of Special Scientific Interest (SSSI) and a Regionally Important Geological Site (RIGS). Grade II listed buildings were located at Stapenhill Farm and Wellacre Farm; and also within the village of Blockley. The nearest Scheduled Monument (Upper Ditchford medieval settlement) was located 1km to the West of the site.

The Case Officer reported that Blockley Brook flowed West to East through the site which then joined Knee Brook and eventually the Thames. An area of Flood Zone 2 and 3 was located either side of the Blockley Brook. A Public Right of Way (PROW) (Blockley Footpath 16) crossed East to West through the site and bridleway (Blockley Bridleway 23) passed along the site's Southern boundary.

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Slide 3 showed the Direction of Works showing 5 phases. The plan also showed the water treatment area, temporary soil storage area, Blockley Brook and bridge crossing, haul road running parallel to the railway line and Station Road crossing point.

The Case Officer explained that rate of mineral extraction from Loaders Barn and Wellacre Quarry would be up to 50,000 T per annum (pa) stated as being the capacity of the brickworks. Quarrying operations were proposed to take place in 5 phases over 24 years.

Slide 4 explained that Years 1-3 would involve site preparations including topsoil and overburden storage within the application site. Slide 5 showed that Years 3-10 would see the export of overburden material and clay to Wellacre Quarry and the brickworks. From Year 10, clay would be removed from the site to the brickworks.

Slide 6 displayed Year 24 which showed stripped overburden and soils placed for restoration along with overburden from the storage area. Slide 7 sections showed views from PROW Footpath 16 (top) and PROW Bridleway 23. The bottom section showed the soil bund would be 3m tall and the overburden bund 5m tall.

Slide 8 showed the Concept Restoration Plan. It showed the PROW Bridleway 23 which adjoined the South of the site (purple dots) and PROW Footpath 16 crossing the haul road and railway line to the North of the site (yellow dots). Joining the PROW was the proposed Permissive Path on the Western boundary of the site. Tree and hedgerow planting was depicted by green dots with woodland blocks (green) and water bodies in blue.

Slide 9 referred to the initial extraction slide. Clay would be transported by dump truck to the existing brickworks via a new haul road, running from the extraction area parallel to the railway line nearby. The haul road, measured approximately 6m wide and 400m in length, would be soil stripped and appropriately stored. Hedgerow planting on the southern boundary of the haul road would be implemented within the first year of operation.

The overburden removal would generate 8 movements per day (16 movements) and the operations would generate approximately 6 loads of clay per day (12 movements). The intention was that site traffic would give way to the through-traffic on Station Road.

Mining operations were proposed to take place during the day between the hours of 0700 to 1800 Monday to Saturday and not at all on Sundays, Bank Holidays or Public Holidays. It was reported that the applicant had since agreed to not work Saturday afternoon. No artificial lighting was proposed within the application site. Blockley Brook would be culverted with mitigation for otters implemented at the point of construction of the bridge/culvert.

Members were advised that a crossing with the B4479 (Station Road) would be formed to allow access to the brickworks along with a new hedgerow, where necessary, planted inside the visibility splays. Towards the southern side of Station

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Road on the haul road would be located a wheel wash. A road sweeper would be used, when required, to ensure that the crossing point was kept free from mud or clay that was not removed by the wheel wash. In addition, collected rainwater from the base of the extraction area would be pumped to the surface water settlement treatment area (lagoon) before being released into the Blockley Brook. Other disturbed ground, such as the haul road, would also be drained to the settlement lagoons.

Slide 10 showed the Final Void with southern overburden mound removed and placed for restoration. The soil screening mounds would remain in situ until required for restoration. Slide 11 detailed progressive restoration of the site, which would be undertaken concurrently with extraction operations to a mix of agriculture and meadow with woodland blocks, water and hedgerow. The applicant had stated there was no intention to import material to bring the land back to original levels, hence a water body was proposed in the final restoration. A "Permissive" public access was proposed upon restoration through the restored site to link with the existing PROW access network.

At Slide 12, the Case Officer explained that Section 3 of the Officer Report at Page 7 referred to the planning history and showed the updated Review of Mineral Permission in 1999 along with a deepening and widening application in 2015. The application referred to the removal of the overburden material from the site to Wellacre Quarry.

The Case Officer explained that the Officer Report from page 8 provided the planning policy context with the recently adopted Mineral Local Plan policies on pages 10 to 15 and the Cotswold District Council Policies on pages 15 to 20. Pages 21 and 22 of the report summarised the publicity undertaken and the representations made.

The Committee noted that the application was advertised by site and press notice.

It was explained that representations received in favour of the application, were on the following reasons:

- Good employer;
- Rural employer;
- Long standing business in the community, supports the local people, local charities and provides important employment to many, skilled employees,
- avoids imports;
- Heritage, artisan, bespoke brick supply, master brick maker;
- Traditional firing technique;
- Supports businesses indirectly;
- Important to maintain UK manufactured bricks; and
- Winner of the RIBA National Sterling Prize for its bricks and the Brick Development Association's National Brick Awards' Supreme prize on no less than 3 of the last 4 years, putting Gloucester at the forefront of traditional quality brick making.

Representations against the application were on the following reasons:

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- Visual impact;
- Located in AONB and visible;
- Noise impact;
- Property value depreciation;
- Hours of operation;
- Ecology impact, including the destruction of environment and biodiversity, Knee Brook drainage interference;
- Flooding impact;
- Highway safety concerns regarding clay/mud on roads, crossing point on Station Road;
- Increased volume of traffic through villages;
- Road use delay;
- Tourism reduction;
- Concern regarding restoration being achieved;
- Light pollution;
- Need for heritage bricks disputed;
- Bricks not used locally;
- Brick works has moved from a small local business to a "huge industrial polluting monster";
- Incorrect accident data;
- Concurrent working of two sites;
- Fossil fuel use;
- Opencast operation; and
- Need for quarry should not override concerns

The Committee were advised that pages 22 to 39 of the Officer Report summarised the consultation responses. It was noted that objections were received from Cotswold District Council and the Cotswold Conservation Board regarding the impact on the AONB.

It was noted that the Planning Considerations were set out in Part 7 of the Officer Report on pages 39 to 83. The main issues related to:

- The need for the mineral development and planning policy context including impact upon the Cotswolds AONB; and
- The environmental impacts of the proposed development.

The Case Officer explained the planning policy context regarding the need for the mineral development as this was due to the current inferior clay reserve at Wellacre Quarry and was detailed in the application submission. The clay at Wellacre Quarry would be used for blending purposes at the brickworks.

Relevant Mineral Local Plan (MLP) policies were summarised in paragraph 7.4.2 of the Officer Report on page 40 onwards. Members were asked to note that MLP Policy MW04 referred specifically to Brick Clay referring to a 25 year land bank as well as making a positive contribution to growing local economies and upholding cultural heritage. Paragraphs 7.4.5 to 7.4.11 of the Officer Report considered this policy, concluding that the proposed development would provide a contribution towards the supply of brick clay necessary for the long term production at the

Northcott brickworks or beyond for at least 25 years throughout and at the end of the MLP period.

The Officers report also considered that the proposal would make a positive contribution to sustaining or growing local economies (including securing the long term securing of 65+ direct jobs) and upholding cultural heritage throughout Gloucestershire. As such it was considered that the proposed development was in accordance with Policy MW04 Brick Clay.

MLP Policy DM09 detailed that landscape was also most relevant to the determination of this application. This policy considered mineral development within an AONB. The Loader's Barn proposal was, by virtue of its size and scale, a major development within the Cotswold AONB. As such, it had to be shown that it was in the public interest and should only be permitted under exceptional circumstances. To demonstrate this, an overriding need for brick clay must be shown along with the ability to show that the local economy would not be subject to unacceptable adverse impacts and that alternative non-AONB sources of brick clay could not be used having taking into account their working constraints and availability based on practicality and viability grounds.

The Officer Report considered in detail Policy DM09 on pages 40 to 51 including the CCB objection. The report also referred to the relevant NPPF policy before concluding on page 53 that the NPPF did not raise any material considerations which were not considered through the policy considerations and did not raise any matters which outweighed the primacy of the development plan.. Overall, having considered the exceptional and public interest requirements of NPPF paragraph 172, MLP DM09 and MW04, the Officers considered reasons in favour of the proposal including:

- being located closer to the brickworks than a site further afield, resulting in less transport impacts;
- compliance with national and local policy (MLP MW04) regarding land bank provision;
- securing brick production in the long term and preserving existing jobs (direct and indirect);
- likelihood of being a more sustainable option by avoiding the environmental cost and financial cost of securing the appropriate clay resource from further away;
- provision of high quality clay from Loaders Barn in order to augment current reserves of poorer clay quality;
- allowing continued long term provision of bespoke bricks; and
- reduction in flood risk in local area by removal of some of the catchment and the acceptance of flows into the site from the Blockley Brook in extreme events.

The Case Officer then went on to advise the Committee on the environmental impacts of the proposal, The Planning Statement provided information on the following;

- Landscape and Visual Amenity, (including Arboriculture);
- Ecology and Biodiversity;



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- Archaeology and Cultural Heritage;
- Noise and Air Quality;
- Hydrology and Hydrogeology;
- Highway and Transport; and
- Rights of Way

The Case Officer explained that, in his opinion, Landscape and Visual amenity (including restoration), ecology and biodiversity and noise and air quality were the main issues. Members were advised that that landscape and visual amenity (including restoration) were detailed in the Officer Report on pages 53 - 55. The application was supported by a Landscape Visual Impact Assessment (LVIA) at Chapter 3.2 of the Planning Statement and Appendix 7.

Overall the County Landscape Advisor (CLA) did not object to the proposed development and the full consultation response was set out on page 35 -38 paragraphs 6.16 of the Officer Report. The CLA was of the opinion that with an appropriate phased detailed restoration proposal conditioned for early submission, then the submitted application was acceptable in landscape and visual terms.

At Slide 13 it was explained that the LVIA examined the effects of the proposed development through the change on the landscape. The LVIA recognised the site and study area were part of the Cotswold AONB and lay within National Character Area (NCA) 107: Cotswolds that displays a number of characteristics which define this area. The site was located within Pastoral Lowland Vale Landscape Character Type and displays some of the characteristics of this classification. The dark green line on Slide 13 showed the Cotswold AONB boundary which lies to the West of the line.

Slides 14 to 25 displayed the various viewpoints in relation to the site. Slide 26 showed the submitted site access detail including the visibility splays and tree and hedge removal.

The Case Officer informed the Committee that Slide 27 reverted to the proposed concept restoration plan which showed the Permissive Path benefit referred to in detail in paragraph 7.6.14 of the Officer Report. It was explained that the long term public provision could not be secured by planning condition alone after the 5 year aftercare period.

Overall, the Officer Report concluded that, having considered the landscape and visual impacts during and post development, the proposed concept restoration and the advice of the CLA, the proposed development was considered acceptable subject to appropriate restoration and aftercare conditions to accord with MLP Policies DM09 and MR01.

In relation to noise, paragraphs 7.9.14 - 7.9.25 on pages 67 – 70 of the Officer Report detailed these factors. Slide 28 showed the Noise Sensitive Properties used in the Noise Assessment. It was noted that noise concerns regarding the proposed development were raised by CDC, CCB, the parish council and the public. The district planning authority, CDC, stated that “the cumulative impact of the adjacent

quarry works would adversely impact upon the overall tranquillity of the AONB in this location.”

The Case Officer explained that the CCB considered that the proposed development would have significant adverse impacts on the tranquillity of the AONB and strongly disagreed with the assertions that the proposed development would: “constitute temporary or infrequent workday noise” or be “consistent with Policy CE4 (Tranquillity) of the Cotswolds AONB Management Plan”. The CCB considered that an adequate assessment had not been undertaken regarding noise and had not compared the scenario where the Wellacre Quarry had come to an end.

The Committee were informed that, having considered the planning policy context and advice in the NPPF and PPG, Officers had concluded that the applicant had appropriately considered the noise impacts of the proposed development on noise sensitive properties but not on the nearby PROW network. The MPA considered this was required to assess whether operational noise impacted to an unacceptable degree upon the amenity enjoyed in using the PROWs near to the proposed site, as well as the impact on tranquillity in the AONB. The noise concerns raised were considered to be relevant matters which needed to be addressed in the determination of the application.

Slide 29 showed the predicted noise levels at the PROWs during routine operations. Slide 30 displayed the predicted noise levels at the PROWs during temporary operations i.e. creation and removal of soil and overburden bunds/storage areas.

The assessment provided by the County Acoustic Advisers assessed noise impact on the users of the PROW 16 and 23. The duration of the impact differed for routine operations (up to 1 minute) and temporary operations (up to 9 minutes). The assessment identified that the baseline noise assessment was already affected by nearby existing industrial and transportation noise sources. Any impact would be within the thresholds set within the PPG and could be within noise limit conditions accordingly. Based on the technical advice provided by the CAA, Officers did not consider that there would be, subject to planning conditions, an unacceptable noise impact on the users of the PROWs.

The site was located in an area of the Cotswold AONB that was not considered by Officers to be particularly tranquil because of the existing industrial and transportation noise referred to in the baseline noise assessment in the application documents. It was accepted that at the identified Noise Sensitive Properties (NSPs) that there was unlikely to be an adverse noise impact. At the PROWs there was some impact, but it was of a transient nature and for a temporary period and was within thresholds identified within the PPG. Conditions controlling noise limits were recommended regarding both the NSPs and the PROW's affected.

Therefore it was concluded that, subject to compliance with planning conditions controlling noise limits at the NSPs and at the PROWs, the proposed development would be in accordance with Policies DM01, DM03, and DM09 of the GCC MLP,

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Policies EN4 and EN5 of the CDC Local Plan and paragraphs 170 and 180 of the NPPF.

At this juncture in the meeting, it was noted that Councillor Bird had to leave the meeting and would no longer be participating..

In terms of air quality, Slide 31 showed the Air Quality (AQ) Plan Site setting and Receptors. The AQ assessment concluded that;

- There would be no additional traffic movements onto the highway network and impacts were negligible;
- There were no ecological sites of European or national interest close to the site;
- There was one residential receptor within 400m of the site - it was considered that at worst there would be a slight adverse effect on this receptor; and
- It was not considered to be a potential for breach of the air quality objectives at any location.

It was noted that the AQ Assessment submitted had been assessed by the County air quality advisers. It concluded that the proposed area of extraction and associated activities were a sufficient distance away (over 300 metres) from sensitive human health receptors such that they were unlikely to cause any loss of amenity due to dust emissions during construction and operation, subject to appropriate mitigation being identified and secured. Residual effects were deemed not to be significant.

The advice considered that a Dust Management Plan (DMP) was established to manage dust impact. Whilst the proposed conditions referred to dust mitigation, they do not include a Dust Management Plan. This would need to be agreed with the MPA. This was an omission and it was proposed that an extra planning condition regarding the submission for approval of the MPA of a DMP be attached to the decision notice if the application was approved at Committee.

The Committee were advised that, having considered the planning policy context and technical advice provided, Officers had concluded that the applicant had appropriately considered the noise impacts of the proposed development and had suggested appropriate mitigation. Concerns raised regarding air quality impacts were not considered so significant, with mitigation, to be considered unacceptable. As such, subject to appropriate planning conditions, it was considered that the proposed development would be in accordance with Policies DM01 of the MLP and EN15 of the CDC Local Plan.

The application was supported by a Preliminary Ecological Appraisal (PEA) and Slide 32 showed the Preliminary Ecological Assessment Site Survey. The Case Officer explained that keys on the slide. Trees 2 and 3 (red dots) showed trees with a high potential for bat roosting, red hatching showed tall/ruderal game cover, the orange area was semi improved natural grassland, blue was standing water, green

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dot - scattered tree, green crosses – scattered scrub , 'A' denoting arable with 'TN' representing Target Note numbering.

Members were advised that the Preliminary Ecological Appraisal (PEA) identified the need for additional survey work for badgers, bats, otters, crayfish, water voles and breeding birds/barn owls. These surveys were carried out at the appropriate time of year. The PEA also considered the opportunity for the enhancement of habitats to produce biodiversity net gain. It concluded that the proposed restoration scheme would create habitat for a range of protected species in the long term. The County Ecologist considered that the information contained in the PEA, Bat Activity Survey, Bat Roost Survey, Breeding Bird Survey (Including Barn Owl), Otter, Water Vole and Crayfish Survey (OWVC) and the Otter Mitigation Method Statement were sufficient to assess and inform a decision on the development. Detailed comment could be viewed in paragraphs 7.7.7 to 7.7.55 of the Officer Report.

The County Ecologist raised no objection to the planning application subject to planning conditions and advice notes. The County Ecologist considered that, with safeguards, mitigation, effective restoration and long-term aftercare, the development could result in an overall biodiversity net gain being achieved. Given the sensitive location within the AONB and a range of protected and priority species matters to be managed, the proposed development must be properly secured. This could be done by appropriately worded conditions as recommended and also by the imposition of a S106 Agreement. The Agreement would cover the ongoing management beyond 5 years for each completed phase of aftercare.

Having considered the planning policy context and advice in the NPPF, Officers had concluded that the applicant had appropriately considered the ecology impacts of the proposed development. As such, it was considered that the proposed development would, subject to planning conditions, be in accordance with Policies DM05 and DM06 of the MLP and EN7 and EN8 of the CDC Local Plan.

The Case Officer concluded at Slide 33 that the application sought removal of 1.4M Tonnes of clay from agricultural land within the Cotswold AONB. The clay was required for use by the nearby brickworks and would significantly contribute to maintaining the supply of bricks for at least 25 years for such an industrial mineral in accordance with the MLP Policy MW04 and the NPPF. In this respect the proposed development was in accordance with this MLP Policy.

The Case Officer informed the Committee that the purpose of the application was to secure a long term reserve of clay of a sufficient quality for blending purposes with that from the existing Wellacre Quarry for use at the brickworks. The applicant had stated that there was a two year supply of suitable good quality clay available at Wellacre Quarry. The brickworks employed 66 employees. It was indicated by the applicant that these jobs were at risk if a source of good quality clay could not be secured. The social and economic argument regarding the preservation of a rural employer supported that identified in the AONB Management Plan. Officers agreed with the social and economic case made and was considered to accord with MLP Policy MW04.

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The Case Officer remarked that the application site was by definition located in a “sensitive area” in that it was within the Cotswolds AONB. It was also considered to be “major” development. The NPPF at Paragraph 172 identified that: “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.....” and “...The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development was in the public interest....”

The applicant had put forward a case for the exceptional circumstances being satisfied. Officers had considered the evidence put forward regarding the “...cost, and scope for developing outside of the designated area...” Officers accepted that on practicality and viability grounds there was merit in the case made. Overall, in the planning balance, Officers considered that the proposed development did accord with MLP Policy DM09 – Landscape regarding major development in Part b (III) of that policy.

The restoration of the site was a material consideration if the extraction of clay was deemed acceptable in the AONB location. The CCB had objected to the proposal for the reasons referred to above. NE had clarified their position regarding its consultation response and deferred its consultation response regarding the designated landscape to the CCB. The CLA advised that the proposed concept restoration, subject to detailed design and controlled by planning conditions, to be acceptable in landscape terms in this part of the AONB.

In the consideration of this application, Officers had had regard to the “highest status of protection” referred to in the national policy context and in particular focusing on the requirements contained in the MLP Policies DM09 Landscape and MR01: Restoration, aftercare and facilitating beneficial after-uses.

The County Ecologist had raised no objection subject to the attachment of planning conditions. Biodiversity gain was required and also controlled via planning conditions - although its management outside the 5 year aftercare period for a further 5 years for each phase of restoration completed would require a Section 106 planning obligation. Given the location in the AONB, it was considered necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

The acoustic information provided had been assessed and was accepted as appropriate with regard to noise sensitive properties. Consideration had also been given to the impact on users of the PROW Footpath 16 and Bridleway 23 and the tranquillity at this location in the AONB. Whilst there was found to be a noise impact, it was such that it would be transient and of a temporary nature for approximately 9 walking minutes and within PPG thresholds. The site location was already affected by nearby industrial and transportation noise and Officers had concluded that the impact on users of the PROWs would not be unacceptable.

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The Highways Authority had raised no objection to the proposed development subject to planning conditions and informative including compliance with Section 184 of the Highways Act prior the proposed access being brought into beneficial use.

The environmental impacts of the proposed development were able to be managed through planning conditions to acceptable levels such that they were not expected to give rise to any significant adverse impact on the public and the nearest residential properties.

The Case Officer referred to Slide 34, which detailed the recommendation

“ It was recommended that planning permission was granted for the reasons set out in this report and summarised in paragraphs 7.14.1 – 7.14.11 subject to the prior completion of a S106 planning agreement to secure the long term provision of biodiversity management of a further 5 years outside the 5 year aftercare period for each restored restoration phase, and substantially in accordance with the conditions contained in the report and regarding an annual tonnage limit of 50,000T between this application and that of Wellacre Quarry and dust management”.

The Chairman invited the registered speaks to address the Committee. The facilitator recapped the order of the speakers for the benefit of the public via You Tube.

**Mr Stewart Bell (Objecting):**

*“As the former chairman of the Parish Council when the application was made. I'm very well aware of local concerns of many parishioners. Unlike the existing quarry the proposed sites is in a central beautiful unspoilt Valley. It will create a scar of a landscape but cannot be shielded as it will be seen from the hills and villages all around.*

*The stark reality of traditional fired bricks is that their manufacturing process creates a very serious environmental impact, the highest among any brick manufacturing. The firing of the clay consumes large amounts of energy produced from fossil fuel, causing the release of CO2.*

*A fossil fuel used by Northcott bricks is with coal imported from Colombia. The emissions released are from the combustion of this fuel and are the gaseous emissions driven off, as the clay is fired, that includes sulphur dioxide, hydrogen fluoride and hydrogen chloride.*

*The emissions are released from a chimney down through the Valley, where the temperature inversion traps them causing a build-up of dangerous pollutants.*

*Noise pollution from the proposed new cast pit will echo throughout the Valley. Unlike the existing quarry where it's been very deep since the early 1900s and thus*

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*contains much of the noise. Noise from the new site will be heard in the villages of Paxford, Aston Magna, Draycott, Ditchford and Blockley.*

*The officer's report states about being no complaints about current noise for five years and the applicant is not aware of any. This is untrue, there have been many complaints. I myself have complained directly to the brickworks and the applicant, the managing director who personally acknowledged my complaint. Complaints were also copied to the Environment Agency who holds copies.*

*The environmental impact on wildlife will be significant the proposed mine is positioned left to Blockley Brook this is chosen because water needs to be pumped out of a quarry and disposed off.*

*It is acknowledged in the report that otters, water voles, White clawed crayfish all protected species live in Blockley Brook. Approval of the application would make a mockery of wildlife protection laws.*

*The application is not in the national interest, there is no overriding national need for the mineral. There is no shortage of clay or bricks locally or nationally. This new pit will produce clay of which there is no shortage in the UK. The British Geological Survey clearly states this. There are over 3000 million bricks produced in the UK every year.*

*The officer's report asked where else the brickworks could source clay from, the applicant failed to answer this question, one wonders why. This application is not in the public interest.*

*The Cotswold AONB should be protected, it is known and loved for its honey limestone, honey coloured walls and buildings.*

*The brickworks application makes much of the fact that they say that the bricks are used a lot locally. This is not the case in the AONB. Tourism is the lifeblood of the Cotswolds. Why would tourists wish to visit when there are machines producing 108DB on a flat Valley and the scar seen from all around. There could be little doubt with this application will cause real harm to the local tourist economy.*

*Loss of employments is always a serious concern but it's questioned by many if the Wellacre's quarry is shortly to be exhausted as it is claimed. It should be noted that the employment in the brickworks is mainly minimum wage workers, most of whom travel a distance to work.*

*Workers in brick manufacturing face major health problems from exposure to have the substances that includes respiratory disease, occupational asthma, chronic obstructive pulmonary disease and silicosis a form of lung fibrosis.*

*Much of that site is already repurposed as a trading estate, if this was increased there would be many more jobs created without the health hazards involved.*

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*Approving this application will lead directly to increased air pollution, noise pollution, water pollution and destruction of the wildlife and habitats. Causing significant environmental damage and increased carbon emissions. The UK economy was the first economy to fit a net zero emission by 2050 this application flies in the face of that ambition.*

*I urge you to reject the application and protect the AONB. As your decision will affect the parishioners of the Paxford, Draycott, Ditchford, Aston Magna and Blockley for generations. Thank you”*

**Mr Tom Gold (Presented by Mr Jeremy Mahony) (objecting):**

*“My name is Jeremy Mahony. I am here representing the views of Mr and Mrs Tom Gold of Stapenhill Farmhouse, a neighbouring property.*

*Geoffrey Clifton-Brown MP’s election manifesto stated: "I shall continue to promote the Cotswolds, which is one of the most attractive parts of England, by supporting the thriving agricultural and tourist Industries". We believe this proposed development is not only contrary to the spirit of the local MP's stated aims, but is also not in the Public interest; and what's more the disbenefits to the community and the tourist industry hugely outweigh any benefit, which is limited to only the applicant.*

*We doubt the need for the quantity of end product. I quote from the Builders Merchants Federation: ‘There are more than sufficient stocks of bricks to meet most needs. Bricks, which are barely used in the Cotswolds anyway, will not be needed so much elsewhere. As both Boris Johnson and Lord Goldsmith state ‘build back greener’ and when so many shops and offices are vacant in our cities, the housing stock will be filled by conversion rather than new-build. Ergo, we shall need fewer bricks, not more.*

*Also compromising an asset of nature, however thoughtfully and sympathetically you do so, you lose that asset for ever. The damage is irreversible; particularly as in this case where the proposed "act of recovery", the creation of a lake or reservoir, is entirely inconsistent with the fact that the piece of land is in an area of Pastoral Lowland Vale. For proof of this you need go no further than Wellacres Quarry, which, according to the GCC Atkins report, 28 January 2020: "will result in a less than optimum restoration to this quarry". The prospect of another "less than optimum restoration" at the end of the life of this quarry with two open cast pits is frankly "less than" appealing.*

*The noise pollution from the new quarry will be more considerable than suggested. The report provided is unhelpful providing information on noise levels at the brickworks, not the quarry. A diesel lorry of the type likely to be used on the proposed site will emit 80-100 decibels and not just "up to 70". The intensity of the noise will be so much greater when three or four lorries and/or trucks are working and certainly will be higher than normally acceptable levels. Added to this will be the noise from the generator and the pumps at the extraction point and the water retaining tanks, both of which may have to be activated during unsocial hours. The*



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*local population and tourists will be required to say goodbye to the tranquillity and serenity previously enjoyed and which is one of the main attractions of this area. Tourism creates local employment.*

*The proposed development will inevitably have a detrimental effect upon the Blockley Brook (which, incidentally, does not flow into the Thames, but the Severn (1.6). When the natural flow of the brook is interrupted, wildlife will be disturbed and endangered; and the flow is likely to be intermittently either excessive or insufficient; and when it's excessive the prospect of flooding looms. Clause 7.11.9 is incorrect. The Golds can confirm there has been flooding on many, many occasions over the last 20 years.*

*Finally and to summarise, there is no need for this project. There are significant disbenefits in this development in the AONB of noise pollution, the loss of agricultural land, the inevitable loss of tourists in the area, disruption of the waterway and the loss of tranquillity generally outweighs this proposed development, in this AONB. We don't need to consult Extinction Rebellion on the effects of interfering with nature; we interfere at our peril and to our cost.*

*The proposed development is not in the public interest, it is solely in the private interest of the applicant and is indeed contrary to the welfare and well-being of the general public."*

**Richard Hunt (Agent):**

*"I really don't want to get into a slanging match and starting to contradict previous two speakers but there are a couple of points which I think need correct.*

*The first is that coal is not purchased by the applicant from Columbia, the second is that there is a concern expressed amount exposure to harmful emissions. The workforce are the people who would have the greatest and longest exposure to any of those potentially harmful elements.*

*A recent X Ray examination of the workforce showed that there is zero industrial lung disease at the brickworks.*

*However this application is for the winning and working of the mineral, the basis of the need for the mineral which is accepted by the case officer, is that it is feeding brickworks, but the brickworks themselves will continue.*

*Obviously as the recommendation is to grant planning permission subject planning conditions, I endorse that recommendation and I can confirm that I have had some input into earlier versions of the planning conditions. However we haven't had sight of condition 12 and I'm assuming that that is from the recommendation that's been put up on the screen now, is a total extraction aspect of 50,000 tonnes combined between the two quarries. I can confirm that the applicant will be content to accept that figure.*

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*What condition 12 was originally trying to do was limit the amount of material taken away from the extraction site, such that the restoration was that has been recommended to you is guaranteed. So the quarrying operation itself is very unobtrusive, it's very low key and the clays works on a daily basis.*

*So there isn't massive campaigns of extraction and then stock piling to allow the clay to weather, it is used immediately on extraction and taken into the brickworks for use. So the environmental impacts of the proposals be considered a series of reports, which resulted in no objections from following statutory non statutory consultees, Natural England, Environment Agency, Networks Rail, Campaign for the Protection of Rural England, Severn Trent Water the Local Lead Flood Authority and I could continue to list them.*

*The Officer has given you a very comprehensive explanation of all of those people and the lack of objections have come forward.*

*The two objections from statutory consultees I think he has dealt with in an excellent manner in his report and has come to the conclusion that the proposals are largely in accordance with the development plan. That is the minerals and waste development plan and the District Council local plan.*

*We acknowledge that there are 19 representations of support and 19 objections for rejection, but the benefits come forward again set out the economic benefits, the provision of a safe tried and tested building product, biodiversity enhancement and post restoration flood alleviation. there is a requirement recommended that we enter into a section 106 agreement, we have offered to accept a planning condition that covers a period of 10 years of aftercare and we feel that there is no need to take your already overworked legal Department to start creating a legal obligation.*

*I would like to draw attention to paragraph 7.4.16 of the committee report where it stated that the mineral planning authority considers the proposed development would not prejudice the conservation of the character features and qualities of the landscape where the site is situated or the scenic beauty of the AONB overall.*

*I commend it to you for your approval"*

Public speakers were invited to remain in the virtual meeting if they wished to do so.

The Chairman called for a brief adjournment, the Committee reconvened at 15:50pm.

The Chairman invited questions from Members following the presentations.

Councillor Morgan wished to know if the specialist clay was used to manufacture engineering bricks. The Case Officer explained that the clay source was dependant on the physical and chemical properties.

Councillor Preest felt there was a need for site visits and he proceeded to refer to the recent train derailments in Scotland and Hampshire, he felt it would be remiss to

ignore the Cotswold mainline, in relation to the site. Members were referred to page 27 of the Officer Report, paragraph 6.7 which detailed the Network Rail response, it was noted there was no objection subject to the conditions. Councillor Preest remarked that recent rail events superseded the response. The Case Officer explained that conditions were acceptable to Network Rail.

Councillor Cordwell required confirmation in relation to the AONB and that the site was on the edge of the boundary. The Case Officer confirmed this was the case, as it was an arbitrary boundary, and was covered in the Landscape Character Assessment.

Councillor Hirst questioned if the existing quarry at Wellacres was still in operation on the nearby site. It was confirmed that was the case. However the new application site was required for the quality of the clay reserves. The applicant needed to secure a long term provision of good quality clay - if not this would limit the production and could impact on jobs going forward. It was explained that the lifetime of the quarry would be determined by this application, and the restoration time of the quarry would also be impacted.

Councillor Fisher felt that the Officer Report was clear and concise and well informed Members as to the extraction of clay.

On there being no further question, the Committee entered into debate.

Councillor Fisher wished to propose to accept the Officer Recommendation within the report. Councillor Cordwell seconded this proposal.

Councillor Morgan remarked that stock piled amounts would be used when required and he was happy to support Councillor Fisher.

Councillor Hirst stated if the application were refused then it would inevitably cause the brickworks to close.

The Case Officer clarified that a Section 106 Agreement would be required and this was subject to the applicant's acceptance. The amended conditions were read out for the benefit of the Committee. These were duly noted as:

- Tonnage extraction limit - Revised condition 12:

"The combined total tonnage of clay extracted from Loaders Barn and Wellacre Quarry as indicated by the red and blue lines on drawing number M17.148.D.015 Rev B dated October 2019 shall not exceed 50,000 Tonnes in any calendar year (January to December) and no more than a total of 100,000 cubic metres of overburden shall be removed from the Loaders Barn site".

- Dust management Plan condition to be added - Revised Condition 30:

"Within one month of the commencement of development, a dust mitigation scheme, including a dust management plan to minimise dust emissions, shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor

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emissions of dust arising from the development including the mitigation measures identified in the submitted Air Quality Assessment report dated November 2019 (Ref: 01.0142.001 (v2)). The scheme shall then be implemented as approved with the approved dust suppression measures being retained and for the duration of the development hereby permitted”.

On being put to the vote, the application was unanimously passed (11 in favour).

The Planning Committee therefore:

**Resolved**

**That planning permission be granted for the reasons set out in the Officer Report and summarised in paragraphs 7.14.1 – 7.14.11, subject to the prior completion of a S106 planning agreement to secure the long term provision of biodiversity management of a further 5 years outside the 5 year aftercare period for each restored restoration phase, and substantially in accordance with the conditions contained in the report, to include an annual tonnage limit of 50,000T between this application and that of Wellacre Quarry and a Dust Management Plan condition.**

**CHAIRPERSON**

Meeting concluded at 4.07 pm