

## Item 3: Public Questions (Bow Farm)

Questions raised by Mr Robert Else with officer response:

***“10 questions for the Gloucestershire Planning Department and the Planning Committee regarding the sand and gravel extraction at Bow Farm under the Planning Application number 19/0081/TWMAJM.***

- 1. Can GCC confirm the error in the number of dumper truck movements per day in the report compared to the HGVs leaving the site. It is stated in numerous places that there will be 144 HGV movements per day and 50 dumper truck movements. The HGVs will take 20 tonnes of material per trip away from the site and this needs to be replenished at the process area by the dumper trucks which typically take 14 tonnes. There must therefore be 206 dumper truck movements to move the same amount of material from the extraction area to the process area to match what is leaving the site by HGV - this means the dumper truck movements are understated by a factor of four. (It is also sad to note another error in the report in item 7.65 - the fully laden weight of the HGVs is 32 tonnes not 52 tonnes). If the figure of 50 dumper truck movements is correct that means each will need to carry almost 60 tonnes each which means a huge vehicle. All these dumper trucks are huge and to be just say 5m metres away from horses and riders on the bridleway cannot be safe.”*

**Officer response (1):** There is no error, the number of proposed dump truck movements is 50. That is the combined total of movements between the two dump trucks that would operate between the mineral extraction area in Worcestershire and the proposed processing plant site in Gloucestershire. Unladen, the dump trucks typically weigh between 28.3 and 32.6 metric tonnes. The net load weight capacity of each dump truck is between 32.5 and 36.3 metric tonnes. It would take time to establish the stockpiles within the processing area at a maximum height of 5 metres. If each of the 25 loads (mineral from the extraction area in Worcestershire being transported along the proposed haul route to the processing plant area in Gloucestershire) being deposited were to average 34.4 metric tonnes, then the average daily tonnage of sand and gravel being deposited in the processing area would be 860 tonnes. The load capacity for an 8-wheeler HGV is 20 tonnes, which equates to 43 outbound HGV loads per day. The total number of proposed two-way HGV movements per day would be approximately 144 (72 entering the site and 72

leaving the site). From a standing start there would be an immediate export shortfall in sand and gravel equating to approximately 580 metric tonnes (29 HGV loads x 20 tonnes per load) per day, which is 17 dump truck loads. However, this initial shortfall would be addressed by the estimated 40,000 tonnes of mineral that would be extracted in Gloucestershire to facilitate the creation of the two silt ponds and the clean water ponds. The extracted mineral is processed on site prior to its export. The processing plant is a wet process and the water needed to operate it would come from the clean water ponds. The silt ponds would need to be operational prior to the commencement of the processing of any mineral on site. Therefore, large stockpiles of extracted mineral would be “banked” within the proposed processing area prior to the processing plant becoming operational. If the pre-processed stockpiles of mineral is 40,000 tonnes upon completion of the silt ponds and clean water ponds, then that would equate to 2000 outbound HGV loads, which would give a 28 day head start i.e. 2000 loads divided by 72 one-way HGV trips per day. Another factor would be the timing for when mineral extracted in Worcestershire would start to be deposited within the processing plant area, thereby starting to replenish those initial stockpiles of mineral waiting to be processed.

You are correct to identify that the unladen weight of HGVs operating out of the site would be 12 tonnes and not 32 tonnes as stated at paragraph 7.65 of the report.

2. *“Can you explain how there is no danger to horses and riders using the bridleway. The dumper trucks - using BS5228 - typically emit 111dBA and will be typically be just 5m away from the horses and riders. Note from other noise data in the report at say item 7.106 this is considerably noisier than a jet aircraft at 250m. By our calculations from the data in question 1 at 14 tonne truck capacity a horse rider using the bridleway will experience two dumper trucks going past as they follow the route next to the haulage roadway. We are in contact with The British Horse Society and from their site visit with Mr Sparrow I’m sure they had no idea what sort of vehicles will be using the haulage route when they thought the situation was acceptable. In addition the various items requested by the Society including traffic lights etc have not been incorporated into the scheme. With a raised causeway the trucks will tower above the bridleway with flashing beacons etc. All the local horse riders and the local riding school have said it will be too dangerous for them to use the bridleway in future if the application is approved. Attached is an appendix showing the relationship between a rider and the vehicles using the haulage route - again can you explain how this is safe.”*

**Officer response (2):** The British Horse Society (BHS) has stated as recently as the 20<sup>th</sup> January 2023 that it *“confines its comments solely in relation to access issues”*. The Access Field Officer for the BHS is of the opinion that their initial concerns from 2020 have been satisfactorily addressed in paragraph 7.77 of the committee report. The BHS have noted the proposed operational hours of the development *“that the workings will not be in operation on Saturday afternoons, Sundays, and Bank Holidays”*, and that the haul road will not be used at these times. Furthermore, the BHS are of the opinion that *“the schematics”* they received from yourselves *“places the rider in very close proximity to a large dumper vehicle. This is not to scale in certain aspects and does not take in to account the actual width of separation and the inclusion of the post and rail fence, which will provide segregation and safety for both horse and rider along the bridleway.”* The BHS have noted that the haul route is *“approximately 300 meters in length”* and is *“adjacent to a comparatively short section of the bridleway and there is a high level of intervisibility from the cabs of vehicles.”* Further to the above, the BHS note the 10 MPH internal site speed limit, signage provision, along with the size and siting of the post and rail fencing as prescribed by the BHS. In the event that Planning Committee is minded to approve application 19/0081/TWMAJM, the BHS have asked the committee to consider adding a further planning condition that reflects *“Rule 215 of the Highway Code”*. *“If a vehicle on the haul road encounters a horse on the bridleway it should stop its engine and turn off any light beacon until the horse has passed the area of the haul road.”*

In response to the comment regarding the proposed dump trucks using *“a raised causeway”*, the MPA is mindful that there would be no land raising to facilitate the proposed haul road.

The average distance between the proposed fence nearest the haul road and the green dashed line of the Bridleway is 4 metres.

The width of the space through which the Bridleway would pass at its narrowest stretch would average between 8.5m to 9m.

The minimum gap between the back edge of the proposed haul road and the 1.5 metre easement from the middle of the Bridleway (green dashed line) would be 3.5 metres.

In light of the above and in having regard for the safeguarding measures incorporated into the proposed development, the MPA is satisfied that all reasonable steps would have been

adopted to ensure the safety of horse and rider.

3. *“Can you explain exactly what will happen after heavy rains when the River Severn inundates the temporary working areas A and B which are on the flood plain and adjacent to the river bank. There is a fish rescue plan but what happens to the huge amount of water in the workings which are extensive in area and up to 6m deep. It will be far much too much to pump uphill to a settlement pond which will already be full of water. What happens when the operator pumps the water out directly into the river causing silt pollution for miles downstream into areas of special scientific interest etc. There is nothing in the application or the report that addresses this issue and no Conditions are made for the approval regarding the prevention of this environmental catastrophe.”*

**Officer response (3):** The temporary flexible working areas A and B are within Worcestershire and the management of these areas during periods of flooding have already been actively considered and approved by Worcestershire County Council. The pumping out of water into water courses such as the River Severn would be controlled by the Environment Agency under their permitting regime.

4. *“To prevent planning applications being submitted using unrealistic ‘whisper quiet’ noise values BS5228 has been specified to give typical noise values for the machinery used on such sites as that in the application. The applicant has used his own ‘library’ values which are only up to half those noise values stated in BS5228. Can GCC agree with us that if the BS5228 values are used in the real worst case scenarios the application fails the noise criteria.”*

**Officer response (4):** The processing plant noise prediction model used for the noise assessment included a number of noise sources, which are based on empirical data obtained with plant under load at other mineral sites in the UK and are therefore considered by the applicant’s acoustic consultant to be realistic and provide maximum accuracy. The consultation responses received from Worcestershire Regulatory Services who provided technical advice on noise and dust issues on behalf of Environmental Health at Tewkesbury Borough Council have not raised the use of empirical data as an issue that would be detrimental to the accuracy and robustness of the noise values used in the noise assessment.

5. *“The whole dust evaluation seems flawed - in many places it is stated that small particles can migrate a considerable distance and can cause health issues. Can you explain why you agree with the applicant deliberately scoping out these type of dust particles from their dust plan especially as it is calculated there is some 75K tonnes of such material on the site which will be extracted and exposed to the wind.”*

**Officer response (5):** The common pathway for dust propagation is by air. Dust propagation depends on particle size, wind energy and disturbance activities. Large dust particles generally travel shorter distances than small particles. It is often considered that particles greater than 30 µm will largely deposit within 100 m of sources, those between 10 – 30 µm will travel up to 250 –500 m and particles less than 10 µm will travel up to 1 km from sources.

As the traffic generated by the proposed site falls below the criteria for a detailed air quality assessment, particulate matter associated with HGV and NRMM exhaust emissions is not considered further in this report and should be considered as insignificant to the AQO for PM10.

The IAQM minerals guidance (2016) states at Section 5.2: *“If the long term background PM10 concentration is less than 17 µg/m3 there is little risk that the Process Contribution (PC) would lead to an exceedance of the annual-mean objective and such a finding can be put forward qualitatively, without the need for further consideration, in most cases.”*

The 2019 predicted PM10 background concentration in the vicinity of the site is 12.75 µg/m3, which is 31.9% of the annual mean objective (40 µg/m3). As such, based on the Institute of Air Quality Management (IAQM) minerals guidance (2016), given that the predicted background concentration is less than 17 µg/m3 there is little risk that the PC (Process Contribution) would lead to an exceedance of the annual-mean objective. Therefore, in light of the above, the Minerals Planning Authority understands the rationale as to why the applicant’s dust and air quality consultant scoped out PM2.5 from the Dust and Air Quality Assessment.

6. *“The dust risk evaluation for Church End Nurseries is a purely subjective assessment. As a single dust contamination issue can destroy the complete crop of raspberries being grown, and the report indicates that such a contamination issue will not occur in 9 years of the project are GCC happy therefore to take on*

*the liability of the costs of such a crop failure as it is an entirely foreseeable event.”*

**Officer response (6):** The Mineral Planning Authority does not dispute that a “*single dust contamination issue can destroy the complete crop of raspberries*”. However, the potential for such an incident to occur is confined to the part of the growing season where such soft fruit would be particularly vulnerable if exposed to dust contamination. The potential for such an incident to occur is significantly diminished by virtue of: the wet processing on site; prevailing wind conditions; dust monitoring at the processing plant site; the 5m high bund along the length of south-eastern boundary to the processing plant site; the implementation of the site’s Dust Management Plan; the mature vegetation that can be found along the boundary with Church End Nursery, as well as the variation in land levels between the proposed processing plant site area and Church End Nursery, which is approximately 12 metres higher than the proposed processing plant site area. In addition to which, the proposed concrete batching plant would be required to accord with the permitting requirements set out by Environmental Health at Tewkesbury Borough Council. Together with the comprehensive set of suggested planning conditions, such features and provision would ensure that the potential for dust contamination of soft fruit crops at Church End Nursery would give rise to a “negligible risk” and “negligible effect” from the “plant site and processing area”, as set out in Table 5.4 of the Dust and Air Quality Assessment dated July 2020.

7. *“The report establishes that there will be 20 ‘new’ jobs at the site. The applicant states that his current sand and gravel sites are now imminently due to close so the true situation is jobs are being transferred from one area of Gloucestershire to another. Any jobs within the building industry would happen even if the site was not approved as sand and gravel would come from elsewhere. Do GCC agree therefore that there are no new jobs and multiples of the applicants jobs will be put at risk in Puckrup Hotel and Church End Nurseries if this application is approved.”*

**Officer response (7):** Paragraph 7.199 of the committee report states that “*The applicant anticipates that the proposal would employ 20 full-time members of staff. By creating new job opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.*” This is also reflected in paragraph 7.526 (conclusions and summary reasons) section of the committee report. A

proportion of those 20 full-time staff would be existing employees at M C Cullimore (Gravels) Ltd.

8. *“It is noted within Condition 16 that there could be an issue with excess HGV movements if the applicant were to extract more than the average annual amount of material. The definition of HGVs contains large ‘transit van’ type vehicles and because of the weight limits in Tewkesbury, the Mythe Bridge and King John’s Bridge no HGVs of the type to be used by the applicant ever use this section of the A38. Do GCC agree that there will be a 100% increase in heavily loaded 32 tonne HGVs using this stretch of road and explain why this is not a safety issue.”*

**Officer response (8):** Due to weight restrictions, no HGVs of the type associated with the proposed quarrying activities at Bow Farm would use this section of the A38. To do so would be a breach in highway regulations, which is a police matter.

9. *“Can GCC explain why they have had no talks with Puckrup Hall Hotel in particular to understand how sensitive their business is in financial terms to the predicted loss of turnover when the their country house hotel is surrounded by an industrial complex and put at extreme risk.”*

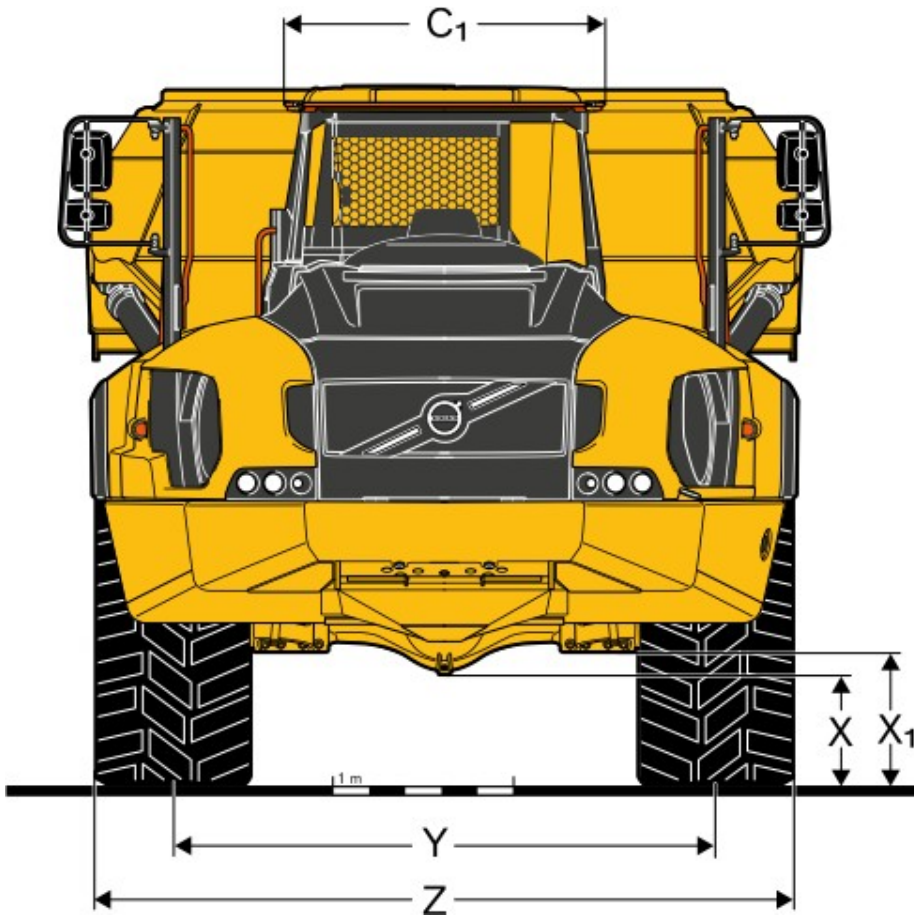
**Officer response (9):** The planning case officer has visited Puckrup Hall Hotel and its grounds on several occasions throughout the course of planning application 19/0081/TWMAJM. On occasion, the planning case office has spoken with both Tim Bowler the former General Manager and Ahmet Donmez the current General Manager. On the 11<sup>th</sup> September 2020, the planning case officer spoke at length with Mr Tim Bowler about his concerns regarding the Bow Farm development, receiving permission at the time from Mr Bowler to view the Bow Farm site from the advantage point of a south facing first floor balcony to one of the rooms in the hotel in order to gain a better understanding of any potential adverse impact upon the hotel and associated activities. So, the MPA does not accept the assertion that its officers have not held talks with Puckrup Hall Hotel.

10. Do GCC agree that if the planning application were refused the sand and gravel reserves are not ‘sterilised’ and could be taken from the extraction site via the river as the adjacent competitor Cemex has done before and is also proposing this method for their current planning application.

**Officer response (10):** The maximum productive capacity (throughput) of Cemex's processing plant site at Ryall House Farm plant site is approximately 320,000 tonnes per annum. Therefore, with the planning permission for the Ryall North Quarry (rate of extraction about 300,000 – 320,000 tonnes per annum), which would be processed at Ryall House Farm would leave very little capacity (if any) for additional sand and gravel to be processed by that processing plant from other sites simultaneously. Mineral extraction at Ryall North Quarry is anticipated to commence in early 2023 and take approximately 1.5 to 2 years to complete the extraction. Mineral to feed the processing plant at Ryall House Farm would then come from Ripple East Quarry (should planning permission be granted). If the Ryall House Farm plant site operated at full capacity (300,000 to 320,000tpa), the combined time period for Cemex processing its own won mineral would be approx. 1.5 to 2 years from Ryall North Quarry and approx.. 1.5 to 2 years for the proposed quarry at Ripple East. Thereby taking approx. 3 to 4 years for Cemex to finish processing its own won sand and gravel before Cemex could consider processing mineral at their Ryall House Farm plant for any other operator. The only other operator with a processing plant in proximity to the River Severn in Worcestershire is Tarmac at Clifton Quarry, but their plant is some distance from the River (over 600 metres at its closet point) and they do not own / have control over the land between the processing plant and the river and do not have a wharf constructed on the river to be able to take such loads.



Appendix.



The rider shown below is 0.7m below the causeway used by the trucks - see below. Everything is as far as possible to scale.



The vehicle above is a typical large dumper truck used in a sand and gravel quarry. Because there are no details presented by the planners or the quarry applicant we have taken what would be required if the applicant's 50 dumper truck movements per day are correct. The vehicle is typically 3.8m high. Now we suspect the applicant has reduced the number of truck movements per day 'in error' and the reality is that there will be over 200 not 50. However the height of a typical truck for the reduced capacity would not be reduced that much - these are modular type vehicles, so it might be 3.4m not 3.8m high. Again in the absence of any meaningful information from the applicant or the planners we think the haul route will be raised some 0.6/0.7m above the level of the bridgeway as the area floods to a depth of at least 0.5m on a regular basis - it is on a flood plain. The horse and rider are scaled to approximately a 16 hands animal. You can see the problem. Note that the spacing between the truck and the rider is typical of what will occur on the bridgeway with a 1.6m post and rail fence - not shown. The vehicle shown does not have a flashing beacon light on the roof but most vehicles in use will have this feature.

**Officer response (11):** There would be no land raising to facilitate the proposed haul route.



Above is a photo of a typical dumper truck used in the UK in sand and gravel sites and

is similar to the vehicle shown on the proceeding page. You can gauge the scale of the vehicle by looking at the size of the driver just visible in the cab. The vehicle shown does have a flashing beacon lamp on the roof. Note that these vehicles are very low geared and there is an extreme amount of noise coming from the engines - it is the loudest piece of equipment you will find on such a site.

A rider traversing the bridleway will have a vehicle like this pass them typically twice - there has to be a huge risk especially to inexperienced riders.

There is a second safety issue in that the drawings/plans for the development show a post and rail fence between the bridleway and the haulage route. However there is no such fencing on the opposite side of the haulage route so a rider could come into direct contact with the dumper truck vehicles whilst riding on the Common Land. None of this can possibly be regarded as safe practice.

**Officer response (12):** Approaching the haul route from the south along Bridleway ATW37, the perimeter of both silt pond 2 and the proposed clean water pond would be fenced off and linked up to the post and rail fencing that would form the crossing over the haul route. Once through the bridleway crossing the post and rail fencing continues in parallel with the haul route, thereby maintaining a continuous separation between the site workings and the bridleway. Moving along Bridleway ATW37 from north to south the type, height, location and extent of the proposed post and rail fencing would ensure that horse and rider are segregated from the operational workings of the proposed quarry.

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**Officer response to issues raised in letter of objection from Laurence Robertson M.P.**

*"I consider this proposal by the applicant to be a misuse of registered common land CL46 (known as Lower Pasture) and contrary to Section 38 of the Commons Act 2006 (2) subsection (1) states that "restricted works" requiring consent from the Secretary of State include:*

*(a) works which have the effect of preventing or impeding access to or over any land to which this section applies.*

*I do not believe that this request has been made to the Secretary of State and on that basis, this application should not be considered until such time as it has been.”*

**Officer response (13):** Under the Commons Land Act 2006 the applicant submitted a Section 38 application to the Planning Inspectorate on the 9<sup>th</sup> November 2022. Consultation on the Section 38 application expired shortly before Christmas 2022, with circa 40 comments having been submitted. The Planning Inspectorate have granted the applicant an extension of time until the end of January 2023 in which to respond to those representations received.

*“The proximity of the haul road to Bridleway ATW37 and the frequent lorries using this access route will cause a huge risk to horses and their riders due to the size and frequency of the vehicles and the noise and dust associated with their movement so will make the use of this public right of way impossible for most riders. If the horses spook when on the bridleway (which should be a safe passage), the riders may be in danger of serious injury and harm.”*

**Officer response (14):** Please refer to the officer response given to question No.2 from Mr Robert Else.

*“The extraction site map shows this new haul road running alongside the bridleway which connects Bow Lane at Bow Bridge (Bridleway 37 ATW 37). Where the proposed haul road turns towards its exit onto the A38, there is to be a ramp or bridge over the haul road, to enable the bridleway to follow its correct route. My wife and many other constituents use that bridle path regularly and have told me that the attempting to cross via a ramp whilst having loud HGV’s passing alongside will increase the chances of a horse spooking and shedding its rider so will almost certainly stop the bridle path being used.*

**Officer response (15):** The design of the proposed crossing over Bridleway ATW37 has been informed by and accords with the requirements of the British Horse Society, who “*confines its comments solely in relation to access issues*”.

*“The degradation of this bridleway will impact on Twyning Riding School and its ability to offer safe rides to children in an off road environment due to there being no other bridleways within close proximity.”*

**Officer response (16):** See officer response (12) above.

*“The A38 is a high speed, heavily used road with minimal lighting. There have been multiple incidents in recent years and since the bus service was removed from the village of Twyning, residents wanting to catch the bus have to cross the A38. Allowing an access point on this road will result in large numbers of HGV’s pulling in to and out of the site at low speeds which will increase the risk of incidents and congestion by affecting the traffic flow.”*

**Officer response (17):** The proposed site access arrangements were redesigned to include for a right turn lane ghost island serving the development access, as well as improvements to pedestrian footways and crossing facilities to address any relevant, residual problems raised in the original Road Safety Audit included with the submitted Transport Assessment. The revised design of the proposed access arrangements has also been subject to a completely new Stage 1 Road Safety Audit.

Details of the revised site access can be viewed at Appendix A (Revised Access) of the Transport Assessment Addendum dated August 2020, a link to which is enclosed below:  
[https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileGCCContents?Filename=images%2f19\\_0081\\_TWMAJM\\_REG25\\_APPDX\\_11.PDF](https://ww3.gloucestershire.gov.uk/PROW/PROWWS.aspx/GetFileGCCContents?Filename=images%2f19_0081_TWMAJM_REG25_APPDX_11.PDF)

It should be noted that the Highway Authority have no objection to the revised access arrangements, subject to the conditions set out within the committee report.