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**Statement prepared by Gloucestershire County Council | May 2019****Main Matter 9 | Appendices**

**Issue: Whether the detailed development requirements for the Plan allocations provide sufficient guidance to inform a planning application?**

**Question 66:**

**Should Allocation 01 be deleted (See question 32 also)?**

1. The Gloucestershire County Council's Position Statement in respect of MLP Allocation 01: Land east of Stowe Hill Quarry (Appendix 1) provides an updated and detailed view (as of early May 2019) on how further consideration may be given to the allocation through the MLP Examination stage. Therefore that paper should be referred to and read in conjunction with addressing MIQ66. It states that the County Council would be willing to investigate new revisions to the allocation's Detailed Development Requirements in partnership with key parties in the event that the current, unresolved concern raised by the Environment Agency and Natural England with the 2017 further revised extension planning application<sup>1</sup>, can realistically be overcome. It is only as a consequence of scrutinising recent proposals to extend the working of aggregates at Stowe Hill Quarry, namely through the undetermined 2017 and 2015 planning applications, that the deliverability of the allocation and thus its soundness, has been brought into question. It is hoped that the Environment Agency and Natural England will provide updated comments and recommendations to the 2017 further revised extension planning application prior to the timetabled MLP Hearing Sessions in June 2019.

**Question 67:**

**Should Allocations 02, 03, 04, 05, 06 and 07 contain reference to Catchment Management Plans?**

2. The County Council considers that Catchment Management Plans should be referenced within the Detailed Development Requirements for Allocation 02, 03, 04, 05, 06 and 07. This is a position that has been formally agreed between the Environment Agency and the County

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<sup>1</sup> Gloucestershire County Council Planning Application Reference: - 17/0122/FDMAJM

Council ([SUB 021](#)). Consequently, the County Council proposes a number of MLP Main Modifications ([EX5a](#)): - PMM 33 (for Allocation 02); PMM 34 (for Allocation 03); PMM 35 (for Allocation 04); PMM 37 (for Allocation 05); PMM 40 (for Allocation 06) and PMM 45 (for Allocation 07).

**Question 68:****Allocation 04 - are the potential impacts on heritage assets appropriately taken into account?**

3. Subject to the acceptance of MLP Main Modification PMM 36 ([EX5a](#)) the County Council considers that potential impacts on heritage assets to have been appropriately taken into account for Allocation 04. The modification provides clarification on the heritage assets that are within the sphere of influence of the allocation, as advised by Historic England (MLP Publication consultation reference: 793641/5/AL04/COM, [SUB 007](#)).

**Question 69:****Does Allocation 06 adequately consider the effect of development on the integrity of the local highway network and water resources?**

4. Subject to the acceptance of MLP Main Modification PMM 39 ([EX5a](#)) the County Council considers that the potential effect of development within Allocation 06 on the local highway network will have been adequately addressed. The modification is concerned with the allocation's Detailed Development Requirements. It adds to the matters that should be investigated by prospective applicants with future planning proposals. In particular, it requires consideration to be given to the avoidance of / or the use of mitigation measures to prevent undue harm to the structure of the local highway caused by vehicular movement linked to the allocation.
5. In the case of water resources, subject to the acceptance of MLP Main Modification PMM 40 ([EX5a](#)) the County Council also considers this matter to be adequately addressed. The modification introduces additional wording to the allocation's Detailed Development Requirements to clarify the expectation of any future risk assessment concerned with water source protection. Risk assessments will be required to demonstrate no significant environmental impacts will occur and that appropriate protection and / or mitigation and

management measures will be put in place. An agreement has been reached between the Environment Agency and the County Council with regard to this matter ([SUB 021](#)).

#### Question 70:

#### **Allocation 06 – are matters of economic impact, aerodrome safety, historic environment and ecology adequately covered?**

6. Subject to the acceptance of MLP Main Modification PMM 38 ([EX5a](#)) the County Council considers that potential economic impacts associated with Allocation 06 have been adequately covered. The modification clarifies how this matter should be addressed through the allocation's Detailed Development Requirements. It makes it clear that standalone assessments would not be mandatory and that applicants would be able to incorporate consideration of the relevant issues within other planning assessments. The County Council considers potential economic impacts (positive and / or negative) to be an issue deserving of attention that needs to be accompanied by evidence. This will allow decision makers to make a sound judgement as to whether the economic-related policy expectations within national policy contained in NPPF 2012 have been met (PSD2).
7. Subject to the acceptance of MLP Main Modifications PMM 43 and PMM 44 ([EX5a](#)) the County Council considers that aerodrome safety has been adequately covered for Allocation 06. Modification PMM 43 clarifies: - the particular safeguarding zones that need to be taken into account; the consultation threshold for installed equipment with the Defence Infrastructure Organisation; and the nature and scope of any future assessment to manage possible bird hazard risk. Modification PMM 44 is concerned with restoration issues for Allocation 06 and expands upon the potential constraining effect of managing possible bird hazard risk. It warns prospective applicants that wet restoration could be significantly restricted particularly any schemes that would create new open water bodies.
8. Subject to the acceptance of MLP Main Modification PMM 42 ([EX5a](#)) the County Council considers historic environment issues to have been adequately covered for Allocation 06. The proposed modification clarifies that any requirement to appropriately protect heritage assets could act as a future constraint upon minerals development within the allocation. This modification responds to advice provided by Historic England (MLP Publication consultation reference: 793641/6/AL06/COM, [SUB 007](#)).

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9. Subject to the acceptance of MLP Main Modification PMM 41 ([EX5a](#)) the County Council considers ecological issues to have been adequately addressed for Allocation 06. The proposed modification clarifies the current status of the Cotswold Water Park Site Special Scientific Interest (SSSI). It also provides an update on the renaming of 'Key Wildlife Sites' (KWS) to 'Local Wildlife Sites' (LWS) and the evolution of Gloucestershire Nature Map into an ecological network. The change to the Nature Map is stimulated by national policy reforms advocated through DEFRA's A Green Future: Our 25 Year Plan to Improve the Environment<sup>2</sup>.

**Question 71:****Allocation 07 – are matters of aerodrome safety adequately covered?**

10. Subject to the acceptance of MLP Main Modifications PMM 46 and PMM47 ([EX5a](#)) the County Council considers that aerodrome safety has been adequately covered for Allocation 07. Modification PMM 46 clarifies: - the particular safeguarding zones that need to be taken into account; the consultation threshold for installed equipment with the Defence Infrastructure Organisation; and the nature and scope of any future assessment to manage possible bird hazard risk. Modification PMM 47 is concerned with restoration issues for Allocation 07 and expands upon the potential constraining effect of managing possible bird hazard risk. It warns prospective applicants that wet restoration could be significantly restricted particularly any schemes that would create new open water bodies.

**Questions 66 to 71 response word count: 1,185**

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<sup>2</sup> DEFRA's A Green Future: Our 25 Year Plan to Improve the Environment - <https://www.gov.uk/government/publications/25-year-environment-plan>

## Appendix: 1

### Position Statement of Gloucestershire County Council

#### MLP Allocation 01: Land east of Stowe Hill Quarry

Prepared | May 2019

#### 1. Introduction

- 1.1. MLP Allocation 01: Land east of Stowe Hill Quarry (hereafter referred to as “MLP Allocation 01”) is an allocation for future aggregate working of crushed rock limestone contained within the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Pages 145-150, [SUB 001](#)). It has been designated a ‘Preferred Area’<sup>1</sup>. It covers approximately 54 hectares of land to the north east and east of the existing Stowe Hill Quarry.
- 1.2. MLP Allocation 01 has a potential yield of up to 17 million tonnes of Carboniferous limestone. Based on future working taking place under the same operating restrictions that exist at Stowe Hill Quarry, the allocation could make a long-term contribution to crushed rock supplies for up to 28 years<sup>2</sup>. The County Council considers that any future aggregate working in this locality would likely be achieved as an extension to the current permitted operations at Stowe Hill Quarry (Page 146, [SUB 001](#))
- 1.3. MLP Allocation 01 forms part of the planning strategy for the Publication Minerals Local Plan for Gloucestershire (2018 – 2032). It has the potential to make an important contribution to securing sufficient provision for steady and adequate crushed rock aggregate supplies over the forthcoming plan period (Section 4, [SUB 017](#)).

#### 2. Evolution through the plan making process of MLP Allocation 01 | 2014 to 2018

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<sup>1</sup> The ‘Preferred Area’ designation is established within national planning practice guidance under the Minerals section, Planning for mineral extraction sub-section, paragraph 008, reference ID: 27-008-20140306.

<sup>2</sup> Stowe Hill Quarry is currently operating under conditions imposed under Gloucestershire County Council Planning Permission Reference: - DF/2238/X. This limits the output from Stowe Hill Quarry to 600,000 tonnes per annum.

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- 2.1. MLP Allocation 01 was first considered as part of the Site Options and Draft Policy Framework (Regulation 18) consultation ([SUB 038](#)) that took place from June to August 2014. At that time it amounted to an area of 195.5 hectares of land. It was also divided into three discreet parcels – A,B,C.’ Parcel A’ formed part of an unworked preferred area contained in the adopted MLP (2003), whilst ‘Parcels B and C’ were submitted by the promoter (Pages 20-29, [SUB 038](#)).
- 2.2. The Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation which occurred between September and November 2016, included a revised version of MLP Allocation 01 (Appendix 6, [SUB 026](#)). The land-take was reduced considerably to 54 hectares. The revision represented the partial removal (southern section) of ‘Parcel A’ and full removal of ‘Parcel C’.
- 2.3. For the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 19) public inspection stage, MLP Allocation 01 was subjected to further revisions (Page 10, [SUB 017](#)). These were focused on ‘Detailed Development Requirements’, contained in the supporting text, that provide the technical information to be considered with any future planning application(s) for aggregate working. No new changes to the allocation area or its boundaries were brought forward.
- 2.4. MLP Allocation 01 was included in the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) submitted to the Secretary of State by the County Council in December 2018. Additional supporting information was also submitted. This involved a schedule of possible Main Modifications to the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) for consideration during the plan’s examination (Section 5, [SUB 018](#)). Included within this was the removal from the plan of MLP Allocation 01 (Page 41, [SUB 018](#)). Other related additional supporting information was provided. This comprised of a technical assessment of the theoretical impact upon making provision for crushed rock aggregate within Gloucestershire as a consequence of MLP Allocation 01 being deleted (Section 3, [SUB 018](#)).

### **3. Recent planning history of relevance to MLP Allocation 01 | 2007 to 2019**

- 3.1. The existing Stowe Hill Quarry is operated under a planning consent granted In January 2007<sup>3</sup> (hereafter referred to as the “2007 permission”). This allowed for up to 8.7 million tonnes of

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<sup>3</sup> Gloucestershire County Council Planning Permission Reference: - DF/2238/X

limestone to be worked in a north-easterly direction from the previously permitted working area due to depth restrictions conditions imposed of 176 AOD. The consent also confirmed a number of operating practices and restrictions involving the primary processing of minerals within Stowe Hill Quarry and secondary processing, storage and export of minerals (up to 600,000 tonnes per annum) from within the adjacent Clearwell Quarry. It allowed for minerals to be moved from Stowe Hill Quarry to Clearwell Quarry by way of a tunnel under the road and a conveyor. A consolidated restoration scheme involved agriculture and woodland covering both Stowe Hill and Clearwell quarries. The planning permission was issued subject to a planning obligation covering highways matters and longer term monitoring and remediation of offsite matters, in particular the geomorphological SSSI.

- 3.2. In December 2014 a new proposal at Stowe Hill and Clearwell quarries was submitted to the County Council<sup>4</sup>. This involved a planning application for an extension to Stowe Hill Quarry to land to the north east and east (hereafter the two planning applications are referred to as “2014 proposal”). The extension application equated to an estimated yield of 17.3 million tonnes based upon an increase in the depth of working within the extension area by around 10 metres more than the 2007 permission. The extension area covered the entirety of Parcel B and part of Parcel A of the allocation contained in the Site Options and Draft Policy Framework (Regulation 18) consultation. No change to the production limits of the 2007 permission was proposed. However, an altered access to the plant within Clearwell Quarry was put forward along with a brand new vehicular access to Stowe Hill Quarry to enable the importation of inert backfill material for restoration purposes. The restoration approach to the extended site was broadly similar to that approved under the 2007 permission. In December 2015 the applicant withdrew the application to extend Stowe Hill Quarry.
- 3.3. A revised proposal to extend Stowe Hill Quarry was submitted to the County Council in December 2015<sup>5</sup> (hereafter referred to as “2015 application”). It covered the same extension area as the 2014 proposal, but with a reduction in the depth of working to 6 metres lower than the 2007 permission. The reduction in the depth of working would result in a smaller estimated yield for the extension area of 15.43 million tonnes. Other revised elements include: - the phased relocation of the processing plant and weighbridge, wheel wash, staff office and workshop facilities from Clearwell Quarry into Stowe Quarry; a new asphalt plant and replacement concrete plant within Stowe Hill Quarry; a new road access from Stowe Hill Quarry onto the B4228; and an increase in the maximum production limit of the 2007 permission from

<sup>4</sup> Gloucestershire County Council Planning Application References: - 14/0118/FDMAJM and 14/0119/FDMAJM

<sup>5</sup> Gloucestershire County Council Planning Application Reference: - 15/0108/FDMAJM

600,000 tonnes to 800,000 tonnes per annum. The restoration scheme for the extension would be broadly similar to the 2007 permission. The 2015 application remains undetermined to date and held in abeyance at the request of the mineral operator.

- 3.4. A further planning application was submitted to the County Council in November 2017 for a smaller lateral extension to Stowe Hill Quarry<sup>6</sup> (hereafter referred to as the “2017 further revised extension application”). This included an area totalling 13.56 hectares that lies to north east of Stowe Hill Quarry. The extension represents about 25% of the allocation contained in the Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation. As with the 2015 application, the proposal included an increase in the depth of working by 6 metres compared to the 2007 permission. The estimated yield was 2.5 million tonnes of limestone. In addition, a scalping screen was also proposed and the existing primary crusher would be retained within Stowe Hill Quarry. All previous processing arrangements would be retained within Clearwell Quarry. The 2017 further revised extension application remains undetermined to date as there are still outstanding unresolved issues. In December 2018 the applicant submitted further environmental information to accompany the originally submitted Environment Statement. This was subject to public consultation that commenced in January 2019. The further environmental information is still under consideration by the Environment Agency (EA) and Natural England (NE).

#### **4. Formal position of the EA and NE in respect of recent planning proposals related to Stowe Hill and Clearwell quarries and MLP Allocation 01 | 2014 to 2018**

- 4.1. In response to the Site Options and Draft Policy Framework (Regulation 18) consultation in 2014 the EA advised that none of the emerging sites had “*show stopper*” issues including the candidate allocation at Stowe Hill. Nevertheless, the importance of ensuring the necessary environmental protections were in place during both the working and restoration phases was highlighted along with the need to demonstrate the deliverability of any potential environmental enhancements. NE also provided a response to the Site Options and Draft Policy Framework (Regulation 18) consultation. It was generally satisfied with the main ecological and landscape considerations for all of the emerging candidate allocations.

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<sup>6</sup> Gloucestershire County Council Planning Application Reference: - 17/0122/FDMAJM



- 4.2. In February 2015 the EA raised no objection, in principle, to the ‘2014 proposal’ and specifically the application to extend (with deeper working) Stowe Hill Quarry<sup>7</sup>. A detailed surface and groundwater monitoring condition was advised. In contrast the NE response, which was received in April 2015, raised serious concern over the ability of the proposed extension to avoid or mitigate adverse impacts on the nearby Slade Brook Special Site of Scientific Interest (SSSI)<sup>89</sup>. NE confirmed that their comments were “interim” and that ongoing dialogue was taking place with the applicant. Updated advice would be provided if further satisfactory information was submitted.
- 4.3. In January 2016 the EA responded to the 2015 application to extend Stowe Hill Quarry<sup>10</sup>. An objection was raised based on an analysis of the submitted information contained in the accompanying Environment Statement. This was related to the protection of the water environment, from both a quality and quantity perspective. The EA specifically referenced uncertain over the hydrogeological impact on the Slade Brook SSSI and the monitoring data provided relating to this issue. NE also provided a detailed technical response, which was received in August 2016<sup>11</sup>. An objection was raised on the grounds of likely damage or destruction to the interest features of the Slade Brook SSSI. NE considered the proposed means of extension would likely result in significant and irreversible damage to Slade Brook SSSI that could not be adequately avoided, mitigated or repaired.
- 4.4. For the Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation in 2016, the EA chose to highlight comments made to the 2015 revised extension to Stowe Hill Quarry. It was considered there was a very real risk that impacts associated with developing the site, could not be mitigated and would lead to the derogation of the Slade Brook SSSI. It was questioned whether the site was deliverable and therefore able to be developed in a sustainable manner. NE completed its response to the plan including the proposed allocations in March 2018<sup>12</sup>. It raised concern about the overall size of MLP Allocation 01 at Stowe Hill Quarry and the potential impact on the Slade Brook SSSI. Nevertheless, a number of suggested revisions to the Detailed Development Requirements were proposed in order to make the proposed environmental protections stronger.

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<sup>7</sup> Environment Agency correspondence reference: - SV/2015/108244/01

<sup>8</sup> Natural England Designated Site View for Slade Brook SSSI | <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000473>

<sup>9</sup> Natural England correspondence reference: - 141756

<sup>10</sup> Environment Agency correspondence reference: - SV/2016/108797/01-L01

<sup>11</sup> Natural England correspondence reference: - 175771

<sup>12</sup> Natural England correspondence reference: - 238464

- 4.5. Following exchanges of information between the EA, NE, County Council and the applicant throughout much of 2017 and early 2018, a formal representation to the 2017 further-revised extension planning application was made in June 2018<sup>13</sup>. The EA continued their objection to extend Stowe Hill Quarry on the grounds of the proposed depth of working, deliverability of the restoration scheme and the ability to achieve the necessary monitoring programme to ensure the protection of the Slade Brook SSSI. NE also provided a formal representation to the 2017 further revised extension planning application in June 2018<sup>14</sup>. Whilst NE acknowledged the size of the extension to Stowe Hill Quarry would be reduced, it objected on similar grounds to the EA.
- 4.6. The EA responded to the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 19) public inspection stage in July 2018. It concluded that the plan was unsound. The EA reiterated previous concern to Allocation: 01 and highlighted the detailed technical response it made to the 2017 further revised extension planning application (Consultation reference: 1169920/1/MA01/USND, [SUB 007](#)). NE also considered the inclusion of MLP Allocation 01 to be unsound. Risk to the Slade Brook SSSI due to hydrological links, inadequacy of monitoring to prevent impacts, and inadequacy and effectiveness of restoration to act as a form of mitigation were highlighted (Consultation reference: 1116790/3/AL01/USND, [SUB 007](#)).
- 4.7. In response to the EA and NE representations to the Publication MLP, the County Council engaged with both organisations during autumn / early winter 2018 to establish a possible way forward. This resulted in two signed Statements of Common Ground, which set out a possible Main Modification to the plan that would delete MLP Allocation: 01 ([SUB 021](#) and [SUB 022](#)).

## **5. Position of the County Council with regard to MLP Allocation 01 | As of April 2019**

- 5.1. The County Council recognises the potential of MLP Allocation 01 to make a considerable and valuable contribution to the future supply of crushed rock aggregates sourced from Gloucestershire over the forthcoming plan period. It's inclusion in the plan increases the prospect that an adequate and steady supply of local crushed rock aggregates can be achieved. The County Council also acknowledges the clear industry interest in bringing forward

<sup>13</sup> Environment Agency correspondence reference: - SV/2017/109712/03-L01

<sup>14</sup> Natural England correspondence reference: - 247638

the allocation for aggregate working since it was put into the public domain in 2014 and the various planning proposals which had subsequently followed.

- 5.2. Nevertheless, the County Council is acutely aware of the concern raised over the inclusion of MLP Allocation 01 by both the local community and other interested parties (pages 26, 40 and 44, [SUB 006](#) and pages 203 – 208 and pages 425 – 438, [SUB 007](#)). This has been largely focused on the likely high risk of unacceptable adverse hydrological-related impacts upon the nearby Slade Brook SSSI caused by extending aggregate working at Stowe Hill Quarry. The analysis of the risk of harm has evolved over time. This has been heavily influenced by scrutiny by the County Council, the EA and NE of technical information supplied to support several planning applications to extend Stowe Hill Quarry. Presently, proposals for hydrological monitoring and the delivery of an acceptable restoration solution have failed to satisfy the EA and NE. This circumstance has brought into question the overall deliverability of MLP: Allocation: 01.
- 5.3. At the time the plan was submitted to the Secretary of State, an agreed position between the County Council and the EA and NE had been established. This would see a Main Modification being formally requested by the County Council at the MLP examination. The Main Modification would involve the deletion of MLP Allocation 01<sup>15</sup> (pages 30 and 41, Section 5, [SUB 018](#)).
- 5.4. However, the County Council considers it to be materially significant that undetermined planning applications to extend Stowe Hill Quarry are still being scrutinised by decision makers and that there is ongoing dialogue between the applicant and the EA and NE. As of early May 2019, formal consultation responses had not been received from the EA or NE to the most recent submission of additional technical information to support the 2017 further revised extension application. It is hoped that the EA and NE will make their position clear and ideally prior to the timetabled MLP Hearing Sessions in June 2019.
- 5.5. In the event that the unresolved concern raised by the EA and NE to extend Stowe Hill Quarry could be overcome, most pressingly in respect of outstanding objections to the 2017 further revised extension application, the County Council would be reluctant to pursue a formal request for a Main Modification to delete MLP Allocation 01 in its entirety. However, it would be very willingly to engage with key parties to identify a alternative Main Modification(s) to the Detailed Development Requirements that support MLP Allocation 01. This circumstance could provide

<sup>15</sup> Main Modifications to the MLP can be formally requested by the County Council under the provisions of Section 20(7C) of the Planning and Compulsory Purchase Act 2004

an opportunity to revise the relevant ‘themes’ that set out the expectations for future proposals. Sufficient account could be given to any new technical position taken on the acceptability of aggregate working at this locality by the EA and NE resulting from their awaited submissions on the 2017 further revised extension application, or indeed any submission they may make towards the MLP hearing session. Conversely if both EA and NE consider that the matters they have raised cannot be overcome then [SUB021](#) and [SUB 022](#) would form a basis for main modifications for consideration.