

CHARFIELD PARISH COUNCIL

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Mr S Ford - Planning Officer
South Gloucestershire Council
Castle St, Thornbury
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13th November 2008

Dear Mr Ford,

REVISED PLANNING APPLICATION BY CEMEX UK MATERIALS LTD
DECISION OF CHARFIELD PARISH COUNCIL
PT07/0573/F Extension of Wickwar East Quarry northwards.

This document amplifies Charfield Parish Council's letter of objection dated 15th October 2008 and supersedes all earlier comments on the application.

In a letter dated 7th November 2008 to the Parish Council's representative, the applicants indicate that the following work is being undertaken on the application: a Cultural Heritage assessment has been commissioned in respect of Churchend; the Proposed Mitigation Strategy and the Outline Management Plan are being revised; drawing no P7/329/1 will be revised; and details of the woodland maintenance track would be submitted for approval prior to its construction. The letter also says that in the revised application documents August 2008, Volume 2, Part 1, Section (B) of the Environmental Statement, paragraph 3.49 should have been deleted. In an email of 11th November 2008 the applicants say that they are also prepared to commission additional noise survey/assessment work at the location suggested by the Parish Council.

Charfield Parish Council **objects** to the proposed development because of the adverse effects on the residential amenities and character of Churchend, the landscape, drainage, and highways and traffic.

The application states that extraction from Wickwar East Quarry could cease at the end of 2008 if permission for an extension is not granted. The applicants admit that they are operating in breach of conditions on the existing planning permission, particularly by extracting rock at a rate of 750,000 tonnes a year instead of the maximum permitted 400,000 tonnes. Nevertheless they compare the impact of the proposed development with the current operations instead of with the quarry closed, or even with the quarry operating in accordance with planning permission. That illogical approach cannot be accepted. In that context, the main points supporting the objection are summarised below with cross-references in brackets to paragraphs in the following detailed report.

Residential amenities and character of Churchend –

- the application fails to recognise the particular character and rural tranquillity of Churchend, which the adopted Minerals Plan identifies as a main constraint to working the site; (8)
- the application is contrary to the Minerals Plan because it makes no provision for an appropriate stand-off within the Preferred Area to protect the properties at Churchend; (6,7)

- the submitted noise assessment is deficient because it excludes traffic noise, omits some of the data on background noise, incorrectly includes existing quarry noise in background noise and does not include measurements of background noise in a representative location at Churchend dwellings; (2,10,11,12)
- although the noise assessment proposes a 3m high bund along the eastern side of the extraction area, the application plans do not include it; without that or a temporary acoustic barrier during the initial rock drilling, noise would be excessive; (12)
- the proposal to allow noise from 0530 hours in excess of the limit set in MPS2 Annex 2 for night-time working is unjustified; (11)
- the residential amenities of Churchend would also be affected intermittently by dust and the noise and vibration (within specified limits) of blasting; (9,14)
- allowing the proposed extension would provide grounds for a future application to work southwards to around 300m from dwellings at Wickwar; (16)
- **unless the proposals are further modified and/or supplementary information is provided to demonstrate that the effects can be brought within acceptable limits, planning permission should be refused.**

Landscape –

- most of the off-site advance planting has not been carried out and ought to be completed before any other works are started; (18,19)
- the effect of the proposed access track cannot be assessed in the absence of any details of its nature and use; there is no obvious reason why the track has been introduced at this stage, or why it has to link the existing quarry to Churchend Lane; (19)
- the submitted Outline Environment Management Plan is out of date and should be revised and re-submitted before the application is considered; (20)
- **planning permission should not be granted unless satisfactorily revised information is submitted, and any subsequent permission should require the full planting scheme to be carried out before any other work is commenced.**

Drainage –

- the applicants rely on a discharge licence which does not relate to the proposed development or take into account current flooding conditions; (22,23)
- **planning permission should not be granted unless a suitable maximum discharge rate has been agreed following a thorough assessment of the drainage system; and a planning condition should require a suspension of discharge when necessary to avoid flooding.**

Highway and traffic –

- the ‘Technical Appendix’ on traffic relies on the spurious arguments that there would be no increase in traffic and that any necessary highway improvements would be done under an agreement tied to planning permission for landfill; (25,29)
- the main highway problems are the state of The Downs Road (B4509) and the junctions of B4509 with B4058 at Hammerley Down and Tafarn-bach; (29)
- the applicants position on highway improvements is ambivalent and no proposals have been put to the Parish Council; (30)
- **in the absence of a full assessment of the effects of quarry generated traffic and an agreement on works necessary to improve the highway network, planning permission should not be granted.**

The Parish Council takes the view that a satisfactory proposal for extending the extraction area would include the following further modifications to the application:

- reducing the length of the extraction area from approximately 620m to 300m so that the stand-off from the nearest dwellings (other than the farms) and Grade I Listed church in Churchend is similar to the stand-off from the nearest dwellings and the church in Wickwar;
- adhering to the hours of operation specified in the existing planning permission;
- revising the landscaping documentation and completing the screen planting before any other works are commenced;
- providing a bund or other acoustic barrier to mitigate the noise of initial rock drilling;
- submitting an assessment of flood risk relating to the rate of discharge from the quarry;
- improving B4509 Downs Road from the quarry access to B4058, with positive drainage;
- improving the two junctions between B4509 and B4058.

REVISED PLANNING APPLICATION BY CEMEX UK MATERIALS LTD

COMMENTS OF CHARFIELD PARISH COUNCIL

PT07/0573/F **Extension of Wickwar East Quarry northwards.**

Introduction

- 1 Charfield Parish Council appreciates that there are substantial reserves of good quality limestone along the eastern side of The Downs Road between Wickwar and Churchend. Given the existence of the quarry-related plant and machinery, mainly on the western side of the road, it is sensible to extend the quarry. The aim is to ensure that the extension is carried out sensitively and with appropriate mitigation works.
- 2 When considering the effects of the proposed development, comparisons with the present situation are misleading. The applicants admit that the production rate is 750,000 tonnes/year whereas the maximum rate permitted by planning condition is 400,000. Moreover, if planning permission to extend the quarry were not granted, extraction could cease in the short term¹. In their letter of 7 November 2008 the applicants say that they could work Churchend Quarry or towards Wickwar. Therefore the Parish Council's view is that comparisons should either be made with that situation or if the quarry did not exist. This is of major significance when considering both noise and traffic. It is abundantly clear that comparison with extraction from the existing Wickwar East Quarry, and production at excessive rates, is erroneous.
- 3 The Council is confident that a satisfactory scheme can be devised and wishes to be consulted on negotiations to modify the application accordingly. However, the present revised proposal falls far short of being satisfactory. Therefore Charfield Parish Council has no alternative to objecting to the application.

Planning Policy

- 4 The following policies are of particular note in the local context:
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (MPS2), paragraphs 24-29 on "Proximity of Mineral Workings to Communities". The final sentence of paragraph 26 reads "*Dialogue should take place between MPAs, EHAs, operators and other stakeholders, especially in the local community, to determine appropriate mitigating measures, where these are feasible and would, if applied, allow the development to proceed.*"
MPS2: Annex 2: Noise;
South Gloucestershire Minerals & Waste Local Plan adopted May 2002 [the Minerals Plan];
South Gloucestershire Local Plan adopted January 2006 [the Local Plan].

The Application and the Minerals Plan

- 5 Appendix 1 below lists the original and new application documents and identifies those which constitute the revised application. The application plans are still not consistent in

¹ Application Documents August 2008, Volume 2, Part 1 Section A, paragraph 5.3 states that if this extension is not brought forward, quarrying could cease by the end of 2008. The equivalent statement in the original Documents said 2007.

identifying the site boundary², or with the statement at paragraph 2.2 of Volume 4 that it is not proposed to amend the red line boundary of the application area. However, the revised plans showing the phases of development³ demonstrate that the proposal is to extract mineral from within the Preferred Area in the Minerals Plan⁴. This is a major change, as the strip of land with trees and shrubs comprising the northern part of a shelterbelt along the old Down Lane to the east would now be outside the extraction area. In their letter dated 7 November 2008 the applicants have confirmed that they will revise application plan P7/329/1 to accord with P7/329/7/B.

- 6 The Minerals Plan specifies that “Allowance will need to be made in any planning applications for appropriate stand-offs, screening or landscaping and other environmental and operational constraints. Although the identified area should represent the overall envelope within which a site may be developed, associated works outside of this area may be necessary (e.g. off-site planting to assimilate the development into the surrounding landscape, or access/highway works).”⁵ The revised application remains contrary to the Minerals Plan, which is part of the Statutory Development Plan, because it makes no provision for an appropriate stand-off within the Preferred Area to protect the properties at Churchend.
- 7 Charfield Parish Council was closely involved in the gestation of the Minerals Plan.⁶ The Council consistently commented that it would be looking for the highest possible environmental safeguards for local residents, particularly for Churchend adjacent to the proposed extension of Wickwar Quarry, and also for highway improvements before any new permissions were granted or rates of extraction allowed to increase at existing permissions in the vicinity of Charfield, Wickwar and Cromhall. The Council successfully objected to the proposal in the Revised Deposit Draft Minerals Plan to introduce an area of Safeguarded Land. The basis for that objection was that a Preferred Area included the necessary stand-off, whereas Safeguarded Land implied future extraction. The Inspector combined the two areas, commenting that “...the visibility of the site and its proximity to Churchend are identified in the text to Inset 2 as main constraints to working the Preferred Area. The inclusion of the Safeguarded Land would ensure that adequate land would be available within the allocated area to provide any necessary safeguards to protect the amenity of Churchend, such as stand-off areas, landscaping and screening and to minimise the visual impact of any future workings”⁷. From the history of the Minerals Plan as summarised in Appendix 2 below, there is no doubt that a substantial stand-off from Churchend was expected to be provided within the eventual Preferred Area.

Residential Amenities and the Character of Churchend

- 8 The application documents mention the key characteristics of the ‘Wickwar Ridge and Vale’ defined in the South Gloucestershire Character Assessment, including “A rural, tranquil landscape...”⁸ They do not refer to the particular character of Churchend within that area. Indeed there is an extraordinary lack of reference to Churchend in the documents. This is

² Compare Drawing P7/329/1 with others, for example P7/329/3B and P7/329/5a Rev 1

³ Drawings P7/329/5a Rev 1- P7/329/5f Rev 1

⁴ Minerals Plan Inset No 2

⁵ Minerals Plan page 129 (see Appendix 3 to this document)

⁶ Appendix 2 to this document

⁷ Extract from Inspector’s Report at Appendix 2

⁸ Application Documents August 2008, Volume 2, Part 1, Technical Appendix 2, paragraph 3.2.2

the historic remnant of the original Charfield, comprising a scattering of dwellings and farms around the Grade I Listed St James' Church. Some of the cottages are also statutorily listed. There are extensive views over the valley of the Little Avon River to the escarpment of the Cotswold Area of Outstanding Natural Beauty. It is a haven of rural tranquillity in marked contrast to the noisy environments close to the existing quarry and at the Tafarn-bach road junction of Churchend Lane, B4509 and B4058. During the preparation of the Minerals Plan the Parish Council called for the highest possible environmental safeguards for Churchend.⁹ Inset No 2 of the Minerals Plan identifies proximity to Churchend as a main constraint to working the site. In their letter of 7 November 2008, the applicants say they have commissioned a Cultural Heritage assessment related to Churchend.

- 9 The factors affecting residential amenities are primarily dust, noise and blasting. No particular dust control measures are proposed. If a complaint about dust nuisance were made, a monitoring scheme would be implemented¹⁰. A local resident has commented on dust and air pollution from the present activities. It is unlikely that quarrying at significant depth would cause dust nuisance, other than perhaps in exceptional weather. At surface level there might be a problem. The main concern is the initial period of soil stripping and construction of the perimeter mounds. The proposed site is south-west of Churchend and the distance to the nearest dwelling is about 320m. To put this distance in context, *Minerals Technical Advice Note (Wales) 1: Aggregates* says at paragraph 75 "The potential impact on health must always be considered in relation to proposals for aggregates extraction and a health impact assessment should be carried out for any proposal for a new quarry or sand and gravel pit located within one kilometre of an existing community. At Churchend there is potential for severe dust nuisance in dry weather with the prevailing south-west wind.
- 10 The development would cause noise from the quarrying and related operations and from associated traffic, primarily heavy vehicles. It is notable that the applicants' Environmental Statement and Technical Appendix on noise erroneously compare the proposals with the existing situation where the quarry is exceeding its permitted production rate and working hours. The noise assessment explicitly excludes traffic noise¹¹ and is therefore deficient. Whilst traffic noise would affect a number of properties along access routes, the quarry operations themselves would affect primarily, in the parish of Charfield, the dwellings in the small settlement of Churchend.
- 11 As long ago as March 2007 the applicants were asked questions aimed at clarifying the noise assessment¹². A response is included in the applicants' letter of 7 November 2008, but the inadequacy of the assessment remains a matter of concern. Paragraph 3.10 relies on the argument that because the existing permission allows quarry operations before 0700 hours (actually from 0630 hours), the allowable noise level from 0530 hours should be in excess of the limit of 42dB(A) $L_{Aeq,1h}$ (free field) specified in MPS2 Annex 2. This reasoning is illogical and cannot be accepted. Neither would it be acceptable to impose on Churchend the noise of working the quarry, with its associated heavy goods traffic, as late as 2200 hours as proposed.
- 12 Paragraph 6.3 of the noise assessment proposes a bund 3m high along the eastern side of the site. The revised Environmental Statement says that the applicants would accept a planning

⁹ Appendix 2 to this document

¹⁰ Application Documents August 2008, Volume 2, Part 1, Technical Appendix 5, paragraph 6.3.

¹¹ Application Documents August 2008, Volume 2, Part 2, Technical Appendix 6, paragraph 5.9

¹² Application Documents August 2008, Volume 2, Part 2, Technical Appendix 6

condition to this effect¹³, but the bund is not shown on the application plans. In their letter of 7 November 2008 the applicants refer to other methods of mitigating noise from the initial rock drilling, including a temporary acoustic barrier. Measurements of existing noise have been made at Church Farm, but not at noise sensitive dwellings likely to be less affected by farm and local traffic noise. One set of the noise measurements is missing from the appendix. Finally the calculated allowable noise limits seem to be based on background noise levels which include rumble from the existing quarry operations, implying an unjustified acceptance of an incremental increase in noise. Pending a more rigorous assessment, the effect of noise on the residential amenities and character of Churchend cannot be accepted. However, in an email of 11th November 2008 the applicants now say that they are prepared to commission additional noise survey/assessment work at the location suggested by the Parish Council.

- 13 A local resident has referred to measures adopted at other quarries to reduce noise. These include lagging crushers and insisting on buffers in lorries to lessen noise during loading. Any permission should include a requirement to adopt similar best practice in noise control.
- 14 The Technical Appendix on blasting¹⁴ is most helpful in reporting the results of vibration measurements caused by two blasting events. Of the Parish Council's original questions, that on blasting was the only one answered by the applicants. It appears from the results of the tests that the permissible maximum instantaneous charge (MIC) at a distance of 340m, approximately the likely minimum distance from residential properties at Churchend, would be about 48kg. Another way of looking at it is that for an MIC of 150kg, the blast position should be no nearer than 600m from a noise sensitive property. The working of the quarry could be constrained by a planning condition limiting the PPV appropriately to 6 mm/s. Nevertheless the noise and vibration caused by blasting would impact on the environment of Churchend.
- 15 **Bearing in mind the tranquil and rural character of Churchend, the indications are that residential amenities could be adversely affected to an unacceptable degree. Unless the proposals are further modified and/or supplementary information is provided to demonstrate that the effects can be brought within acceptable limits, planning permission should be refused.**
- 16 The residential quality and character of Churchend is no less important than that of Wickwar. Yet the present proposal is for extraction to about 330m from the nearest Churchend dwellings (leaving aside the two nearer farmhouses), whilst ceasing to quarry nearer than about 600m to the nearest dwelling on the outskirts of Wickwar. The proposed extraction area should be halved to reduce the dust, noise and blasting effects on Churchend and reach a more equitable solution. In extremis, and subject to detailed assessment, it might be feasible to quarry a little more at either end. It is notable that South Gloucestershire Council officers took a similar view during the preparation of the Minerals Plan.¹⁵ Allowing the proposed extension to the quarry would provide grounds for CEMEX or their successors to argue in future that they should be allowed to work southwards to around 300m from Wickwar. Indeed, the applicants' letter of 7 November 2008 refers to the possibility of working towards Wickwar "albeit it is acknowledged that there is a difference of view between South Gloucestershire Council and ourselves regarding its planning status".

¹³ Application Documents August 2008, Volume 2, Part 2, Section B, paragraph 6.18

¹⁴ Application Documents, Volume 2, Part 2, Technical Appendix 8

¹⁵ See Appendix 2 to this document

Landscape

- 17 The major element of the revision to the application is the retention of the northern part of the shelterbelt on the eastern side of the excavation now proposed. This brings the development more into line with the report of the applicants' ecological consultants who commented "Any loss or impact to woodland and individual mature trees as a result of the quarry extension is considered to be a major adverse impact on the ecological value of the area".¹⁶ The retained part of the shelterbelt would be similarly valuable as a basis for the necessary landscaping scheme. The application proposes a substantial area of planting and habitat creation to the east of the site.¹⁷ The consultants' report on landscape and visual amenity admits that from the east the new planting would only in the long term have the same effect as the planting removed.¹⁸ In the revised application the remaining part of the shelterbelt would be a partial screen whilst the new planting grew to be effective.
- 18 Plan P7/329/4, showing advance planting, remains part of the application. At the southern end of the proposed extension to the quarry, part of the Phase 1 woodland planting scheduled for spring 2006 has been done. Presumably this is the "extensive landscaping" mentioned in the applicants' response to comments made by the Parish Council.¹⁹ When inspected on 8 October 2008, none of Phase 2 scheduled for October 2006-March 2007 or Phase 3 scheduled for October-December 2007 had been done. The areas of proposed planting are confirmed on the Revised Restoration Plan P7/329/7 Rev 1, which also shows a new feature of a "Woodland Maintenance Track" running southwards through the planting for about 680m from Churchend Lane to the existing quarry excavation.
- 19 It is unfortunate that the applicants have not carried out the major part of the advance planting. The Addendum to the Landscape and Visual Impact Assessment says "The change in timescales has given the existing advance planting additional time to mature and become an effective screen".²⁰ The Addendum omits to say that most of the planting has not been done. From inspection, the landscape value of what has been done is negligible or even negative, as the surviving plants are only just emerging from the plastic guards which dominate the view. The Addendum considers that the effect of the access track would be negligible, but this conclusion is not based on any information in the application about the nature and use of the track. There is no obvious reason why a track has been introduced into the application at this stage, or why it has to link the existing quarry to Churchend Lane.
- 20 The Outline Environmental Management Plan²¹ and Proposed Mitigation Scheme²² are unchanged from the original application and there is no addendum. They do not reflect the retention of the northern part of the shelterbelt, the addition of the access track or the delay in carrying out most of the scheduled planting. Some of the proposed actions, such as the translocation of hazel dominated hedgerow, would probably not be appropriate in the revised circumstances. The Management Plan is no longer relevant and should be revised and re-submitted before the application is considered. In their letter of 7 November 2008 the

¹⁶ Application Documents August 2008, Volume 2, Part 1, Technical Appendix 3, Ecological Survey Paragraph 5.10

¹⁷ Drawing No P7/329/4

¹⁸ Application Documents August 2008, Volume 2, Part 1, Technical Appendix 2, paragraph 7.4, Viewpoint A

¹⁹ Application Documents August 2008, Volume 4, paragraph 8.1, point 4

²⁰ Application Documents August 2008, Volume 2, Part 1, Appendix 1, the first of the sections 1.4

²¹ Application Documents August 2008, Volume 2, Part 2, Technical Appendix 11

²² Application Documents August 2008, Volume 2, Part 1, Technical Appendix 3

applicants state that the revisions of both the Management Plan and the Mitigation Strategy are in hand.

- 21 **In order to reduce the effects of the development on the landscape, all of the proposed off-site planting should be carried out in advance of any other works. The access track should be deleted unless it is shown to be necessary, it is shortened so as not to give access into the quarry, and its construction and use are specified to give minimum impact on the landscape. A revised Outline Environmental Management Plan should be submitted for consideration. In the absence of any of these factors, planning permission should be refused.**

Drainage

- 22 It is accepted that the discharge of water from the quarry could be controlled so that flooding would be avoided. However, the application documents²³ fail to recognise that localised flooding of residential property does occur on the Little Avon tributary to which the quarry now discharges water. The tributary flows through Little Bristol Close in Charfield, a small area of elderly persons' bungalows. South Gloucestershire Council had to re-house one of their tenants after her bungalow was inundated with water overflowing from the brook. Although minor works have been done adjacent to the brook at Little Bristol Close, the risk of flooding remains because the downstream culverts have not been enlarged. The South Gloucestershire Councillor for Charfield has recently commented about flooding from the same brook at Woodlands Road, just upstream of Little Bristol Close.
- 23 The present permitted discharge of 4,500m³/d seems excessive for the tiny watercourse. It is also far greater than necessary to deal with the calculated total inflow of 474m³/d. Higher inflows from storms could be stored in the existing quarry and released at a suitably controlled rate. Unless off-site drainage improvements are carried out, the applicants' discharge consent should be reviewed in the light of current and forecast conditions.
- 24 **A planning condition would be needed on any permission, not only limiting the rate of discharge at normal times but also prohibiting any discharge during wet weather. Alternatively, an improvement to off-site drainage should be included in a planning agreement.**

Highways and Traffic

- 25 The basic assumptions of the 'Technical Appendix' on traffic²⁴ are that there would be no increase in traffic and that anyway the highway improvements associated with a planning permission for landfill would be carried out prior to extraction. There are a number of reasons why this is disingenuous. The present traffic is associated with an extraction rate some 88% higher than the rate permitted by planning condition. Extraction and associated traffic will cease in the short term unless permission for an extension is granted. There is no guarantee when or if the landfill permission, with a relevant site licence, will be implemented. The highway work outlined in the planning agreement for the landfill may not be appropriate in today's conditions.

²³ Application Documents August 2008, Volume2, Part 2, Technical Appendix 9, paragraph 6.1.4

²⁴ Application Documents August 2008, Volume 2, Part 2, Technical Appendix 7 and Addendum at Volume 2, Part 1, Appendix 1

- 26 It is explicit at paragraph 1.4 of the traffic appendix that a full assessment of the effects of quarry generated traffic has not been carried out. One stated reason for this is that South Gloucestershire Council did not identify traffic movements as being an issue in the scoping opinion for the Environmental Statement. This is most regrettable, as in response to consultation on the scoping opinion Charfield Parish Council asked for the inclusion of traffic effects. Also, during the preparation of the Minerals Plan the Parish Council consistently drew attention to the need for highway improvements before any new permissions were granted or rates of extraction allowed to increase at existing permissions.²⁵
- 27 The supposition at paragraph 1.3 of the traffic appendix that traffic movements associated with quarry operations have not been a cause for concern to local communities is provocative to local residents and is demonstrably ill-founded. Again, paragraph 3.8 says there have been no complaints about traffic movements currently experienced. Even if this were true, it would reflect that local residents and Charfield Parish Council were not aware that the quarry was exceeding extraction limits and permitted vehicle movements: hence there was no fact on which to hang a complaint. There is no doubt that the quarry traffic is causing local people disquiet (pun intended). A resident of the neighbouring Kingswood Parish has stressed the early morning disturbance caused by lorries, contracted to CEMEX, leaving a vehicle operating centre adjacent to residential property. This illustrates that the effects of heavy vehicles associated with quarry-related operations outside the present permitted hours are widespread, not limited to main access routes.
- 28 Paragraph 2.8 of the traffic appendix argues that traffic movements associated with output at Wickwar Quarry in excess of the permitted 400,000 tonnes per annum have been absorbed without detriment because there has been no production from the Cromhall limestone site for a number of years. However, it is understood that extraction from the Cromhall site could recommence without the need for planning permission. Therefore the reasons for the present limit on production from Wickwar Quarry still apply. Highway improvements necessary to accommodate greater production at Wickwar, and consideration of the environmental affects of the traffic, must be based on the total movements that would be permitted by planning permissions.
- 29 The conclusion at paragraph 6.1 of the traffic appendix, that the highway improvements for the landfill permission would suffice, is not supported by evidence. The improvements listed at paragraph 4.1 include at item 4 an undefined improvement of the carriageway works. A local resident has pointed out the hazardous nature of The Downs Road B4509 for walkers and cyclists. The traffic appendix contains no reference to an improvement of the Hammerley Down junction of B4509 and B4058. The roundabout proposed at the other, Tafarn-bach, junction may well be impractical for current traffic flows, particularly as the turning movements at that cross-roads are severely out of balance. Local residents have put forward proposals for a short length of link road bypassing Tafarn-bach to eliminate the hazards and queuing problems that exist at that junction.
- 30 Contrary to the application's reliance on highway improvements in a section 106 agreement related to permission for landfill, the applicants "agreed that elements of the original Section 106 agreement might have been superseded or changed. The company would honour its responsibilities which might be an updated version more appropriate to current

²⁵ See Appendix 2 to this document

circumstances and this would be discussed and explored with SGC.”²⁶ This is a welcome change, recognising the concerns previously expressed by the Parish Council. However, pending consultation on new proposals for highway improvements, the Parish Council can only consider the application as it stands. Furthermore, the applicants’ letter of 7 November 2008 says that the draft section 106 agreement currently being considered by them and the Tortworth Estate Company relates solely to HGV routing and land south of the existing Wickwar East working. The applicants’ ambivalence does not inspire confidence.

- 31 **The application contains no assessment of the highway and environmental effects of the movements of associated heavy vehicles. The reliance on highway improvements in an agreement connected with a landfill permission is misplaced because those improvements were not fully defined, were not designed for present and proposed traffic conditions and would not be constructed unless the landfill permission were implemented. Therefore permission should be refused.**

Would you please keep Charfield Parish Council fully informed of any further developments regarding this application.

Yours sincerely,

Mrs S Bailey
Clerk to the Council

²⁶ Confirmed Minutes of Wickwar Quarry Liaison Group meeting July 10th 2008

APPENDIX 1 - CEMEX REVISED APPLICATION DOCUMENTATION

NOTE: Superseded original documents are struck through and replacement documents are as far as possible shown on the same line in the second column.

ORIGINAL DOCUMENTS	NEW DOCUMENTS
<p>VOLUME 1 January 2007</p> <p>PLANNING APPLICATION FORMS AND CERTIFICATES WRITTEN STATEMENT PART 1 (A) - DETAILS OF THE APPLICATION PART 1 (B) - PLANNING POLICY CONSIDERATIONS APPENDICES 1. Application Plans P7/329/1 P7/329/2 P7/329/3 P7/329/4 P7/329/5a P7/329/5b P7/329/5e P7/329/5d P7/329/5e P7/329/5f P7/329/7 P7/329/8 2. Aerial Photograph of the site (August 2003) 3. Statement of Community Involvement 4. South Gloucestershire Minerals and Waste Local Plan - Inset 2 Wickwar Quarry 5. Section 106 Legal Agreement - Proposed Heads of Agreement 6. South Gloucestershire Council scoping opinion dated 6th October 2005</p> <p>ENVIRONMENTAL STATEMENT</p> <p>VOLUME 2 PART 1 January 2007</p> <p>Appendix 1 Landscape and Visual Amenity</p> <p>Appendix 2 Ecology</p> <p>Appendix 3 Archaeology</p> <p>Appendix 4 Dust</p> <p>VOLUME 2 PART 2 January 2007</p> <p>Appendix 5 Noise</p> <p>Appendix 6 Traffic</p> <p>Appendix 7 Blasting</p> <p>Appendix 8 Hydrogeological assessment</p> <p>Appendix 9 Geology</p>	<p>VOLUME 4 August 2008 SUPPLEMENTARY TO THE PLANNING APPLICATION AND WRITTEN STATEMENT AND PLANS</p> <p>APPENDICES 1. S Glos letter of 30 July 2007 2.-5. Revised Plans P7/329/3B P7/329/5a Rev 1 P7/329/5b Rev 1 P7/329/5c Rev 1 P7/329/5d Rev 1 P7/329/5e Rev 1 P7/329/5f Rev 1 P7/329/7 Rev 1 P7/329/8 Rev 1 6. Revised Aerial Photograph</p> <p>VOLUME 2 PART 1 August 2008</p> <p>ENVIRONMENTAL STATEMENT Appendix 1 Addenda To The Technical Appendices (Landscape and Visual, Archaeology, Dust, Noise, Traffic, Blasting, Hydrogeology) Appendix 2 Landscape and Visual Impact (All as original Appendix 1) Appendix 3 Ecological Surveys (In different order, but as original Appendix 2 plus 2008 newt survey, 2007 tree survey for bat potential and 2007 breeding bird survey) Appendix 4 Archaeology (All as original Appendix 3)</p> <p>VOLUME 2 PART 1 August 2008</p> <p>Appendix 5 Dust Assessment (All as original Appendix 4)</p> <p>Appendix 6 Noise Assessment (All as original Appendix 5)</p> <p>Appendix 7 Traffic Assessment (All as original Appendix 6)</p> <p>Appendix 8 Blasting (All as original Appendix 7)</p> <p>Appendix 9 Hydrogeological Assessment (All as original Appendix 8)</p> <p>Appendix 10 Geological Assessment (All as original Appendix 9)</p>

ORIGINAL DOCUMENTS	NEW DOCUMENTS
VOLUME 3 January 2007 NON TECHNICAL SUMMARY	Appendix 11 Outline Environmental Management Plan Appendix 12 Glossary [Not present] VOLUME 3 August 2008 NON TECHNICAL SUMMARY

APPENDIX 2 – HISTORY OF MINERALS AND WASTE LOCAL PLAN

In a letter of 31 January 1998 the Clerk conveyed to South Gloucestershire Council the comments of Charfield Parish Council on the Project Brief for the Minerals Local Plan. They were:

“With reference to the Aims and Objectives set out on Pages 6 & 7 – no objections are raised to the strategy, providing the five aims are not in priority order.”

On 4 December 1998 the Clerk conveyed the following comments on the Consultation Draft Minerals Local Plan:

“No objection is raised to the draft plan, however my Council will be looking for

- 1) the highest possible environmental safeguards for local residents, particularly for Churchend adjacent to the proposed extension of Wickwar Quarry*
- 2) also for highway improvements before any new permissions are granted or rates of extraction allowed to increase at existing permissions in the vicinity of Charfield, Wickwar and Cromhall.”*

South Gloucestershire Council then compiled a Minerals and Waste Local Plan Deposit Draft July 1999 which was an amalgamation and update of the policies and proposals in the Minerals Local Plan Consultation Draft and in the Waste Management Chapter of the Consultation Draft South Gloucestershire Local Plan. Charfield Parish Council formally supported the general thrust of the Plan and Policies 1, 21(C) and 22. On Policy 21(C) the Council commented:

“In the event of any application for quarrying in the Preferred Area for limestone extraction at the northern end of Wickwar Quarry (Inset No 2), the Parish Council would be looking for the highest possible environmental safeguards for local residents, particularly for those living at nearby Churchend.

“The Parish Council would also be looking for comprehensive highway improvements before any new permissions were granted or rates of extraction allowed to increase at existing permissions in the vicinity of Charfield, Wickwar or Cromhall. Permissions should include requirements to improve the junction of B4509 and B4058 at Tafarn-bach, the B4058 from there to B4509 Downs Road, and along the Downs Road to the quarry entrance. Positive drainage should be provided along the Downs Road.”

[The Parish Council made similar comments on the 1998 planning application by RMC to extend the quarry southwards towards Wickwar.]

South Gloucestershire Officers responded as follows:

“Noted. All planning applications are referred to the relevant Parish Councils for their views before any decision is made. All planning applications need to satisfy highway safety requirements, and this may require certain permissions being granted subject to conditions/legal agreements on highway improvement works. The Council is aware of the highway constraints in the Wickwar/Charfield/Cromhall area. There are output restrictions at Wickwar Quarry for this very reason.”

RMC objected to the omission of the southerly extension of the quarry. South Gloucestershire Officers' response to RMC included the following:

“Although the extension would bring the quarry closer to the village of Wickwar, the distance is no nearer than that which would occur between the working of the Deposit Plan Preferred Area to the north of the quarry and the settlement of Churchend.” The Officers continued: *“On balance it is considered that the land to the south should be identified as a Preferred Area. On this basis, there is no requirement for further resources to be identified to meet the anticipated shortfall, and the Preferred Areas to the north should therefore be deleted at this stage. It would, however, be appropriate to safeguard this land for future working, only bringing it forward in the event of an unforeseen shortfall in provision.”*

Officers then proposed a new Policy 29A to safeguard the land north of Wickwar Quarry.

Subsequently South Gloucestershire Councillors decided against a Preferred Area on the Wickwar side of the quarry. From the north of the existing quarry as far as Churchend Lane, the land had been shown as a Preferred Area in the Draft Deposit Plan. Officers recommended that it be shown as this new category of Safeguarded Land. South Gloucestershire Councillors decided that half of it should be Preferred Area and the northern half should be Safeguarded Land.

So that was the proposal which the Parish Council considered when South Gloucestershire Council published a Minerals and Waste Revised Deposit Draft July 2000. Representations were invited

only on the changes from the 1999 Draft.

In September 2000 the Parish Council considered a report on the Revised Deposit Draft and decided to object to Policy No 29A and Inset Plan No 2. The submitted objection was:

“CHARFIELD PARISH COUNCIL **OBJECTS** TO THE CHANGE WHICH HAS BEEN MADE TO THE PREFERRED AREA SHOWN IN THE DRAFT DEPOSIT PLAN JULY 1999 INSET NO 2 AND PROPOSES THE FOLLOWING CHANGES TO THE DRAFT REVISED DEPOSIT PLAN JULY 2000:

- 1) AMEND THE GENERAL PREAMBLE TO THE INSET MAPS TO CLARIFY THAT SAFEGUARDED LAND IS SUBJECT TO THE SAME CRITERIA AS PREFERRED AREAS IN RESPECT OF STAND-OFFS ETC: THIS CAN BE DONE SIMPLY BY ADDING THE WORDS “AND SAFEGUARDED LAND” AFTER THE WORD “PREFERRED AREAS”; **AND**
- 2) COMBINE THE PREFERRED AREA AND THE SAFEGUARDED LAND NORTH OF WICKWAR QUARRY INTO ONE AREA OF SAFEGUARDED LAND; OR
- 3) REVERT TO THE PREFERRED AREA SHOWN IN THE DRAFT DEPOSIT PLAN JULY 1999; OR
- 4) DELETE THE SAFEGUARDED LAND; OR
- 5) DELETE BOTH THE PREFERRED AREA AND THE SAFEGUARDED LAND; **AND**
- 6) FOR CONSISTENCY, DELETE OR AMEND THE REFERENCE TO WICKWAR QUARRY IN POLICY 29A.

“Whilst supporting parts of the Deposit Draft Plan last year, Charfield Parish Council commented: *In the event of any application for quarrying in the Preferred Area for limestone extraction at the northern end of Wickwar Quarry (Inset No 2), the Parish Council would be looking for the highest possible environmental safeguards for local residents, particularly for those living at nearby Churchend.*

“At first sight the change in the Plan seems to benefit Churchend, because the Preferred Area would end further away. However, further consideration shows that this is not a correct conclusion. When Charfield Parish Council considered the Preferred Area last year, it took into account that the preamble to the Inset Maps in the Draft Plan said: *The proposed boundaries of the Preferred Areas....do not necessarily coincide with potential planning application or operational boundaries. Allowance will need to be made in any planning applications for appropriate stand-offs, screening or landscaping and other environmental and operational constraints. The identified area, therefore, represents an overall envelope within which a site may be developed.* The Draft Revised Plan contains the same words except that the last sentence has been altered to: *Although the identified area should represent the overall envelope within which a site may be developed, associated works outside this area may be necessary (e.g. off-site planting to assimilate the development into the surrounding landscape, or access/highway works).* This change of wording is not in itself a problem. But last year the Parish Council appreciated that the Preferred Area included the necessary stand-off to protect Churchend. Bearing in mind the need to protect both listed buildings and residential amenity, it would not be unreasonable to expect approximately the same stand-off from St James' Church and Church Farm as the existing quarry has from the church and Old Rectory at Wickwar. This would mean that at least the northern half of the original Preferred Area would be stand-off, not an active quarrying area. In other words, none of the Safeguarded Land would be available for active quarrying. Therefore the inclusion of Safeguarded Land is misleading and could cause difficulties if a planning application were submitted in the future. Hence the need to amend the Revised Deposit Plan as described in 1) and 6) and one of 2), 3), 4) or 5) above.”

For the subsequent public inquiry, this objection was number 528 and the Parish Council's Respondent Number was R35. The Parish Council relied on its written representations and did not appear at the inquiry which opened in February 2001. The following is extracted from the Inspector's report which was received in July 2001.

“4.24 **Policy 29A(A) North of Wickwar Quarry**

“4.25 **Objectors to Revised Deposit Plan**

35/528
44/539

Charfield Parish Council
The Tortworth Estate Company

45/547 RMC Aggregates (South West)

“4.26 Issues

“4.26.1 Whether the Safeguarded Land ought to be included as part of the Preferred Area under Policy 29. (44/539;45/547)

“4.26.2 Whether the Plan provides adequate safeguards to protect the amenity of Churchend in the event of future working of the Preferred area at Wickwar Quarry. (35/528)

“4.27 Inspector's Considerations and Conclusions

“4.27.1 I have set out in some detail under Policy 29A my conclusions on the principle of including the Safeguarded Land within the Preferred Areas. I have also recognised the fact that these areas formed part of the Preferred Areas shown in the Avon Plan and I have dealt with this matter at paragraph 4.22.5 above. I note the comments made on behalf of the Tortworth Estate about the remaining reserves and I deal with this issue later in this report in the context of Paragraphs 6.11-6.14B of the Plan.

“4.27.2 In relation to Wickwar Quarry the Preferred Area and Safeguarded Land comprise a single large field which extends northwards from the existing quarry boundary to Churchend Lane. There is no distinction on the ground between the 2 areas. Charfield Parish Council, in objecting to the Revised Deposit note that the foreword to the Inset Plans has been revised to indicate that, although the Preferred Areas should represent the overall envelope within which the site may be developed, *"associated works outside of this area may be necessary"* and it refers by way of example to landscaping works. The location of any such associated works in this case would be within the Safeguarded Land.

“4.27.3 Mineral extraction is a long term process. I support the view of Tortworth Estates that minimising the impact of quarrying requires careful and well planned advance landscaping to ensure that the works are integrated into the landscape. I also understand that, from the Estate's viewpoint, the arbitrary nature of the division between the Preferred Area and the Safeguarded Land is not helpful to the management of their Estate. As the Safeguarded Land and the Preferred Area at Wickwar form part of a single landscape entity, an open agricultural field which lies in a relatively open area of landscape, there is merit in including all of this area as part of the Preferred Area to allow for the comprehensive planning of any future extension to the quarry.

“4.27.4 I note that the visibility of the site and its proximity to Churchend are identified in the text to Inset 2 as main constraints to working the Preferred Area. The inclusion of the Safeguarded Land would ensure that adequate land would be available within the allocated area to provide any necessary safeguards to protect the amenity of Churchend, such as stand-off areas, landscaping and screening and to minimise the visual impact of any future workings.

“4.27.5 Nevertheless, in the light of my comments on avoiding overprovision and to ensure that there is a properly planned release of the enlarged Preferred Area in order to maintain supply throughout the Plan period, the Council may wish to consider applying some form of phasing or control mechanism to the release of all or part of the Preferred Area. I note that such a mechanism is included in Policy 29A for the Safeguarded Land, although SGC have agreed that the wording is potentially misleading and they have suggested revisions which would link release to remaining permitted reserves (paragraph 3.6 Doc SGC/24). I do not propose to recommend specific wording as this is a matter on which, no doubt, the Council will wish to consult further, in particular with the operator of Wickwar Quarry. I note, however, that RMC accept that phasing of development could be controlled by appropriate conditions, although in my view this is a matter which should be addressed initially through the Plan.

“4.27.6 I note that there is currently a restriction on the level of output at Wickwar as a result of the need for off-site highway works. However, I understand that RMC have indicated a wish to increase production. Extending the Preferred Area into the Safeguarded Land would enable RMC to properly plan their long term development of the quarry whilst a control mechanism would enable the Council to exercise some control over the release of the reserves to avoid overproduction early in the Plan period.

“4.28 Recommendation

“REC 44: Include the Safeguarded Area within the Preferred Area at Wickwar Quarry (see Recommendation 75 below on Inset Map 2).

“Consider applying a control mechanism to the release of land for extraction to all or part of the Preferred Area.”

South Gloucestershire Council published Proposed Modifications in December 2001 and adopted the modified Plan on 24 May 2002. The Safeguarded and Preferred Areas were amalgamated to form one Preferred Area.

APPENDIX 3 - EXTRACTS FROM MINERALS & WASTE LOCAL PLAN

NB Highlighting added.

Landscape Protection

POLICY 6

PROPOSALS FOR MINERALS OR WASTE DEVELOPMENT WILL BE PERMITTED ONLY WHERE THEY CONSERVE AND, WHERE POSSIBLE, ENHANCE THE CHARACTER, QUALITY AND AMENITY OF THE LANDSCAPE AND DISTINCTIVENESS OF THE LOCALITY.

5.18 While recognising that mineral resources can only be worked where they occur, it is also the case that important and valued landscapes can only be protected where they occur. The landscape is made up of many elements which combine to give distinctiveness and character to an area. In order, therefore, to conserve the character and distinctiveness of the landscape, minerals and waste development proposals should identify the key characteristics of a site and its surroundings and retain those features which are the most important and which are not capable of re-creation, such as key wildlife habitats and historic boundary features. Reclamation schemes should show appropriate gradient slopes and field patterns to encourage the restoration of landscape unity. Significant existing features such as hedgerows, woodland and trees should be retained and conserved where possible and used in conjunction with the landform to reduce the impact of mineral workings and to help integrate the development and the reclamation of the site with the surrounding landscape. Special regard will need to be paid to the effect that any development proposals may have on the long term health and viability of trees of significant landscape, visual amenity or nature conservation value. Additionally, compensation works will be sought where development involves the loss of trees, woodland or other characteristic landscape feature.

Residential/Local Amenity

POLICY 22

PROPOSALS FOR MINERALS OR WASTE DEVELOPMENT WILL BE PERMITTED ONLY WHERE THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON NEARBY PROPERTIES AND LAND USES BY WAY OF VISUAL INTRUSION, DUST, NOISE, BLASTING, VIBRATION, FUMES, SMELL, LITTER, VERMIN OR BIRDS.

5.76 The combination of noise disturbance by plant and vehicles, including early morning arrivals at the site entrance, dust emissions and potentially intrusive lighting emphasises the need for control of the hours of operation of a site.

Economic or technical reasons may require certain plant processing outside the general hours of working. However, applicants must demonstrate the special circumstances associated with their application and the mitigation methods to be used to limit any adverse impacts. Coating plants, in particular, due to the perishable nature of the product and the markets they supply tend to require very early morning starts or overnight working.

Transport

(A) Traffic Impact

POLICY 24

PROPOSALS FOR MINERALS OR WASTE DEVELOPMENT WILL BE PERMITTED ONLY WHERE:

(A) THE USE OF EXISTING PEDESTRIAN AND CYCLE ROUTES WOULD NOT BE PREJUDICED;

(B) ANY TRAFFIC ASSOCIATED WITH THE DEVELOPMENT CAN BE ACCOMMODATED WITHIN THE HIGHWAY NETWORK WITHOUT UNACCEPTABLY AFFECTING HIGHWAY SAFETY;

(C) ROAD, JUNCTION AND SITE ACCESS ARRANGEMENTS CAN ACHIEVE THE APPROPRIATE STANDARD WITHOUT UNACCEPTABLE DAMAGE TO THE CHARACTER OF THE ROAD; AND

(D) ANY TRAFFIC ASSOCIATED WITH THE DEVELOPMENT WOULD NOT HAVE AN UNACCEPTABLE EFFECT ON THE AMENITY OF USERS OF PROPERTY OR LAND BY REASON OF NOISE, VIBRATION, DUST, FUMES OR SMELL.

5.85 Planning permission will be refused where roads are unsuitable and cannot be made acceptable. Examples of on-site works which may be required are surfaced haul roads, slip roads, sight lines, on-site parking and turning areas, wheel cleaning facilities and access signs. Off-site works include road works and traffic management. Where off-site works are proposed, the Local Planning Authority will require a full assessment of the impact of these works, and any necessary mitigation measures, to be included with the planning application. The Local Planning Authority will seek to ensure that works on and adjacent to a road can be carried out without causing irreversible harm to the character of the road.

5.86 Where highway improvements, including any environmental mitigation measures, are necessary these will be achieved by the imposition of planning conditions or by seeking legal agreement. Routeing agreements may be required to avoid local communities and inadequate roads. Limits on production and lorry movements may also be justified in certain circumstances so as to prevent undue pressure on the highway network and local amenity. In such cases, the Council will be guided by Circulars 11 /95 and 1/97 (paras 5.9 & 5.10 refer).

From paragraph 6.12:

Wickwar Quarry

This quarry has a modern plant complex and associated concrete block plant. Output is restricted by planning condition to 400,000 tonnes per annum due to highway network constraints. There are an estimated 15 years worth of reserves remaining in the current workings on the east side of the B4509. Further proven resources exist to the north of the current quarry workings.

INSET MAPS

General

The proposed boundaries of the Preferred Areas and proposed integrated waste management facilities do not necessarily coincide with potential planning application or operational boundaries. Allowance will need to be made in any planning

applications for appropriate stand-offs, screening or landscaping and other environmental and operational constraints.

Although the identified area should represent the overall envelope within which a site may be developed, associated works outside of this area may be necessary (e.g. off-site planting to assimilate the development into the surrounding landscape, or access/highway works).

In respect of the existing planning permissions shown on the Inset Maps, the full extent of the area covered by a planning permission is indicated and working has not necessarily been permitted up to the marked boundary. Full details can be obtained from the planning decision notices and approved plans.

The text which accompanies each of the Inset Maps has been prepared to indicate the constraints to development which will need to be addressed by a prospective operator.

INSET No 2

Wickwar Quarry

(Carboniferous Limestone)

Wickwar Quarry is situated 1 km north west of Wickwar on the B4509. The old quarry area (Churchwood), the plant area and the concrete blockworks lie to the west of the B4509. The current quarry excavations and the primary crusher are east of the B4509, connected to the plant area by a conveyor which runs through a tunnel beneath the road. The main quarry access is to the west of the B4509. A Weight Restriction Order prevents heavy quarry traffic passing through Wickwar. It is envisaged that the Preferred Area would be worked in a northwards direction as an extension to Wickwar Quarry using the current plant and access arrangements.

The main constraints to working the site are visibility, proximity to the hamlet of Churchend and hydrology/hydrogeology due to the likely depth of working.