



BROMSBERROW PARISH COUNCIL

MINUTES

7.00pm on Tuesday 28th March 2023 at Bromsberrow Village Hall

1. Present:

Cllr Brian Lewis (Chairman), Cllr John Stephens, Cllr David Hunter, Cllr Robin Launders, Cllr Philip Burford and Cllr Roxanne Shayle. Also present: David Mills (Clerk), Cllr Gill Moseley (Gloucestershire County Council) and one member of the public attended

2. Declaration of interests - None received

3. Minutes of meeting 24th January 2023– Approved

Matters Arising:

- a. Dangerous Trees, Albright Lane – The landowner has arranged for branches of the dead tree to be removed and the war memorial bench will also be attended to in the near future.
- b. The annual Bus shelter cleaning has been completed.

4. Planning:

- a. P0066/23/APP - Yew Tree Cottage Bromsberrow Heath Ledbury HR8 1PG
Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) relating to outline planning permission P0160/22/OUT for the erection of a detached dwelling with associated works. – No comment.
- b. P0217/23/FUL - Fir Tree Cottage Bell Lane Bromsberrow Heath Gloucestershire HR8 1NX
Erection of two storey rear extension and single storey side extension, removal of shed.
– No comment.

5. The Quarries ROMP as discussed and agreed by the Council:

THE CURRENT SITUATION

INITIAL PERIODIC MINERAL REVIEW OF PLANNING CONSENTS G1209,G1209/A & G1209/C (ISSUED BY FOREST OF DEAN DISTRICT COUNCIL-22/0031/FDROMP -BROMSBERROW SAND & GRAVEL COMPANY, BELL LANE, BROMSBERROW HEATH,GLOUCESTERSHIRE, HR81NX

A. GCC DOCUMENTATION REVIEW:

1. There are no new ROMP documents or comments on the GCC's planning portal. The last comments (added on 14th December) are our review the latest information regarding this recent application by way of an initial periodic review of existing mineral permissions. As the relevant Parish Council for the Quarry, we had submitted comprehensive comments from our November Meeting
2. We noted one further comment being entered on 13/10/2022 from the Environmental Agency; we have reviewed the EA letter and agree with its contents and concerns.
3. We noted that the published Internal Target Date/Determination Deadline of 15 October 2022 has passed, but are not aware of any decision.

B. CURRENT STATUS:

1. We note, with concern that the official Status is: "Awaiting decision". The Expected Decision level is "DELEGATED". The Case Officer is Nick Bainton. We also understand that Nick Bainton is also the County's responsible Compliance Officer, and has been for some years.

C. COMMENTS, CONCERNS AND COMPLAINTS RECEIVED FROM RESIDENTS.

1. That the lack of a decision on the ROMP is affecting property values, sale-ability, perhaps even 'planning blight'.
2. That there is considerable activity within the pit, 'scooping' out the sides of the pit to the South and West, perhaps threatening the adjoining private properties, perhaps threatening the highway to the South.

3. That trees and shrubs from the SW have been dislodged and are piled in the bottom of the pit.
4. That the 'top soil and overburden' removed from the SW has been trucked to the bottom of the pit spread and then covered with sand, rather than 'stored within the site for respreading' to endure that the land is left in a tidy condition on the completion of the operations'. (Quotes from G1209/c).
5. That the sand spread over the bottom of the pit to cover the topsoil appears to have been scooped off the steep sides -recently and to the extent that it appears to be within 3.5 metres of the quarry's fence adjacent to the public footpath (ie highway).
6. That there are new ramps being formed, fine, but perhaps with over-steep sides. That there are pits that have been excavated, now full of water, near the NE corner.
7. That the roads serving the pit are always dirty (even though road-swept at intervals) because the site inside and around the Bell lane entrance is perpetually puddled and muddy.
8. That there are still skips on site, some full of waste, all filling with water (which will probably be discharged onto the site).
9. There appears to be a stockpile on site of organic materials (for the mixing with sand to make compost). That skips businesses and the rental of container storage are being advertised at the gate.
10. That the proposed Site restoration Proposals plan 21224.101as filed with the ROMP application documents, appear to suggest that the site will be filled to the level of the bunds, so that the only view of the restored site from Wood End Street will be of the bund. It has been reported that the Ryton Road quarry has been infilled and finished to a level far higher than expected, probably to a height beyond that approved. Given that that site is under the same ownership and management, there are concerns that excess fill may occur beyond the ROMP proposals.
11. That there seems to be insufficient concern for the aquifer just meters below the bottom of the pit and the Public Water Supply supplying 27.000 houses from Bromsberrow.
12. That there could be pollution of the aquifer and flood from run-off of water from the clay 'basin'. The ROMP proposal of lining the excavations with impermeable clay, together with the proposal (post infill) is to direct all site runoff towards a soakaway to be constructed where the Bell lane exit is now on the assumption that storm run-off would soak away at 1metre per hour over 200 msq. Given that all rainwater over the Clay basin that does not evaporate from the surface will drain-down to the basin whose only drainage is to the soakaway and hence into the aquifer below. Becoming a basin full of 'inert' materials and rainwater could be the unstoppable source of pollution of the aquifer and possibly flood across Bell Lane and the private properties opposite. It has also been pointed out that the area proposed for the soakaway is perpetually puddled, i.e. not free draining.
13. That the regulations regarding 'screening' to determine whether the proposed ROMP development should be supported by an Environmental Statement reduces to 'the likelihood that significant effects on the environment may occur' (to quote a comment of 9 August 2022 from GCC Minerals and Waste policy). It has been suggested that possible adverse effects to the aquifer supplying 27,000 houses from Bromsberrow to Malvern should be strongly considered as requiring an Environmental Statement.

D. CONCERNS AS TO COMPLIANCE WITH EXISTING PERMISSIONS

1. In our review of 29 November 2022, as reported to the BPC and then added to the County's ROMP documents, we confirmed our concern as to the Applicant's proposal that the existing conditions of the historic Permissions be cancelled.
2. We noted that the existing conditions are few, are simple and are clear, but there was every doubt as to whether any of them have been complied with. We also noted uses at the site that are not expressly permitted (the winning of sand only) or certified as lawful (the purchase and sale of imported primary aggregates).

3. We presumed that the first task of a periodic review of mineral permissions is to assess compliance with existing Permissions.
4. We stated that would object to the removal/cancellation of any existing Conditions where compliance to date is in doubt. We asked the ROMP Review to look carefully at each activity not expressly Permitted on site as to whether is to be permitted now and going forward.

E. FURTHER DOCUMENTARY EVIDENCE REGARDING EXISTING PERMISSIONS

1. The first task has been to identify and plot with meaningful accuracy the various plans attached to the historic permissions. These have been plotted as overlays to the Topographical Survey 1220-014 as part of the ROMP application. This exercise allows the planning Conditions applying to particular parcels to be assessed.
2. We had already reported that the existing conditions are few, are simple and are clear, but that there was every doubt as to whether any of them have been complied with. So, we are able to report further that there have been evident breaches, historically and ongoing of most of the existing conditions.
3. The site has been and is being used for waste transfer (skip) activities. Ongoing excavations and workings are many metres below the Condition (e) of >42.67m (G 1209/c). Ongoing excavations are perilously close (well within the required 50' limit) to the site boundary (Condition (d)).Etc.
4. Overall, EIGHT suspected breaches of planning regulations, of existing formal Conditions, have been identified. Each of these alleged causes for complaint has been set out for delivery to the relevant authorities on behalf of this Council.

NOTE: The EIGHT points are attached as an appendix to the minutes.

F. SCALE OF ACTIVITIES

1. We still await firm information as to the proposed scale of activities. We gleaned and calculated what we could from documents submitted to the ROMP and the scale of proposed activity is a major escalation. The impact is, we considered, best expressed in terms of the volume of (heavy) vehicle movements, each of which also generates the noise/dust/particulates that affect the residents.
2. We ask that the ROMP process clarify the volume and the impact therefrom. We have asked for a strict limit on daily movements of HGV's.

G. EXCESS WINNINGS.

1. Having noted above that the existing Permissions may not have been complied with, we again wish to draw the attention of the Review to the impact of this on future activity levels (as proposed). If topsoil from past excavations was to have been stored on site, but is not so stored, then extra vehicle movements occurred in the past and will occur in the future to import any 'missing' topsoil. If sand has been won and/or will be won at a depth lower than Permitted, or by digging at an angle steeper than permitted, then the infill materials will be imported to restore to level, i.e. more vehicle movements than would have arisen had Planning Conditions been adhered to.
2. We affirm our submission that the volume of any future permitted activity of sand extraction should be reduced accordingly to compensate for any such past excess dig, for excess topsoil movements. There is nothing penal in this, merely the minimum restoration possible of the situation to what it would have been had Planning been respected.

H. Actions agreed:

1. Issue formal complaint using the GCC Planning website reporting procedure for the EIGHT identified issues.
2. Send letter of complaint with the EIGHT identified issues plus photographs to Nick Bainton Planning Officer at GCC. Copy to County Councillor Gill Moseley

6. Discussion items:

- a. School Parking by the school, a plan of the area proposed has been drawn up and positive feedback on proposal received with the landowner happy to proceed.
Clerk to seek before quotations for the works to be completed
- b. MVAS Camera information update – The sign has be located in Bromsberrow Heath since January and ongoing in three locations, initial data collected suggests whilst the overall speeds are not excessive, the speed of the top quartile suggest action needs to be taken to encourage slower speeds. To be review at the next meeting.
- c. Tender for 3-year Grass Cutting contract, tender from BLM Garden Maintenance approved, Clerk to instruct.
- d. John Chandler Memorial bench, council agreed to forward the request to the village Hall committee.
- e. Coronation Celebrations – Council agreed to donate £200 to the organisers of the events at the Bromsberrow Village Hall

7. Parish council business

- a. Clerk to send signed letters closing the Santander Reserve account and transferring the remaining current account funds from to Unity Trust Bank account.
- b. Payments in March/April approved:
 1. Clerk salary for February/March
 2. Coronations Celebrations donation to Bromsberrow Village Hall
- c. Website updating ongoing, including information for the forthcoming elections and for new councillors.
- d. Correspondence and notifications of activities and resources from GCC, FoDDC, GAPTC, GRRC and other bodies have been circulated by email to Councillors for information.

8. Public participation – no comments

9. Date of next meeting

Proposed meetings dates for 2023:

23rd May 2023

25th July 2023

26th September 2023

28th November 2023

Signed: 

Date: 24 May 2023

Appendix:

EIGHT suspected breaches of planning regulations of existing formal Conditions for the quarry at Bromsberrow Heath, owned by Allstone Sand and Gravels Aggregates Trading Company Limited have been identified by Bromsberrow Parish Council that require further investigation.