

**Town & Country Planning Act 1990
Section 78 Appeals**

Craig Yr Hesg Quarry

Summary Evidence of:

**Katrina Early Hawkins
Smith Grant LLP**

DUST

On behalf of: Hanson UK

Planning Inspectorate Reference: APP/L6940/A/20/3265358 (Western Extension Appeal)

Planning Inspectorate Reference: APP/L6940/A/21/3282880 (S73 Appeal)

Local Authority Reference: 15/0666/10 (Western Extension Appeal)

Local Authority Reference: 21/0720/15 (S73 Appeal)

May 2022

1. SCOPE AND STRUCTURE OF THE EVIDENCE

- 1.1. My name is Katrina Hawkins. I am currently Chairman of Smith Grant LLP (SGP), an environmental consultancy, having been a Partner of SGP since 2005. I have been in practice as an environmental consultant for over 25 years specialising in air, land and water pollution. I hold a First Class (Hons) degree in Chemistry and a MSc degree in Environmental Pollution Control, am a Chartered Environmentalist, and a Member of the Institute of Air Quality Management, Institute of Environmental Sciences and Institute of Environmental Management and Auditing.
- 1.2. SGP has been involved with the Craig yr Hesg Quarry ('the Site'), the subject of this Appeal, since 2009 as part of the technical team commissioned to prepare and undertake an air quality assessment as part of the EIA and Environmental Statement (ES) submitted in respect of the Environment Act ROMP Review application in 2010. SGP's involvement with the Site has continued since 2009, including with the on-going process of review with respect to PM₁₀ monitoring carried out both on and off-site.
- 1.3. I have been involved with the Site since 2017 including in respect of the regular review of PM₁₀ monitoring and undertaking the air quality assessments for the S73 ES and the Western Extension Supplementary ES (WE SES). I have continued involvement up to and including this Planning Inquiry.
- 1.4. In undertaking the air quality assessments I considered the potential impacts of fugitive dust from the current and proposed operations of the quarry on sensitive development and landuses in the locality. Following consultee responses from the Environmental Health Department, Public Health Wales, the Cwm Taf University Health Board, and other parties, further information relating to dust mitigation and monitoring was submitted to RCT during the determination of the Western Extension application. On review of these additional submissions the Officer's recommended approval of the proposals concluding that potential effects of the proposals could be adequately mitigated and managed. However, whilst dust is not specifically cited as a reason for refusal in relation to the Western Extension Appeal, paragraph 71 of MTAN:1 referred to in the reason for refusal, refers to *dust arising from mineral extraction and processing operations*. Potential impacts arising from dust have been raised in the RCT Statements of Case (SoCs) and references to dust are made in the third-party representations.
- 1.5. In relation to the S73 application the Officers similarly recommended approval of the proposals concluding that potential effects of the proposals could be adequately mitigated and managed. In this case, the reason for refusal does refer to *dust* citing

that the continuation of the quarrying extends the impacts of quarrying including in relation to dust to the detriment and well-being of residents. Potential impacts arising from dust have again been raised in the RCT Statement of Case (SoC) and references to dust are made in the third-party representations.

- 1.6. In both cases RCT states that comprehensive and up to date dust monitoring data has not been presented and that there is therefore no robust assessment of potential impacts of site operations on nearby properties and uses, leading to an inability to assess the acceptability of the existing and proposed mitigation measures. The SoCs additionally cite a disagreement on the conclusions of the level of adverse impacts that may arise from the proposals. My evidence therefore presents additional dust monitoring data and addresses the comments set out by RCT in their Statement of Cases.
- 1.7. This is discussed in the context of the existing baseline conditions and the potential for environmental impacts associated with the two proposals.

2. DUST ASSESSMENT

- 2.1. I have reviewed and presented in my evidence summary information regarding the existing and proposed activities associated with the quarry that may give rise to fugitive dust.
- 2.2. The air quality assessments prepared to accompany the original Western Extension application and subsequent SES incorporated a detailed assessment of the potential sources of fugitive dust sources and the potential for any such dust to impact nearby properties and land uses.
- 2.3. The WE ES assessment was informed through several site visits, a qualitative assessment of potential dust impacts, review of extensive on and off-site PM₁₀ monitoring data and a short-term dust monitoring exercise. The qualitative assessment considered the potential sources of dust associated with the proposals, residual source strength incorporating mitigation, distance and orientation to receptors, prevailing weather conditions, topography and screening.
- 2.4. The assessment was further informed through a review of complaints data and inspection reports prepared by RCT in relation to the Environmental Permit held with respect of the processing activities. The assessment as presented in the WE ES was supplemented by a detailed Health and Well Being Response and a subsequent Dust and Particulate Management and Monitoring Plan (WE DMMP) which set out the management and monitoring measures that would be implemented specifically in relation to fugitive dust. The WE SES assessment was supplemented by review of additional dust and meteorological data along with additional complaints information and RCT site inspection reports.
- 2.5. The dust assessments concluded that potential impacts associated with both the continuation of existing activities and the proposed extension would be *slight adverse* at most. For the extension this is predicted at those properties closest to the northern Site boundary and when activities are at, or near to, the original ground surface. As the screening bund establishes and quarrying activities move into other phases and deepen within the quarry potential impacts would fall to *negligible* at those closest properties. Potential impacts and resulting effects are predicted to be *negligible* throughout the works at those properties further away.
- 2.6. For the continuation of existing activities up to *slight adverse* impacts are predicted for those properties on Garth Avenue located closest to the processing plant, with impacts falling to *negligible* for properties away from the boundary. This is in the context of comparison with a 'no quarry' scenario. It must be noted however that the proposals do not include for any changes in either the methods of working or quantum of existing

processing and as such no changes to the existing situation with regards to dust deposition would occur in relation to the continuation of existing operations.

- 2.7. This position was agreed by the relevant Officers in recommending approval subject to the imposition of several conditions.
- 2.8. The assessment carried out for the S73 application and presented in the ES followed a similar approach. A similar DMMP to that submitted with respect to the Western Extension was included within the S73 ES. It was again concluded that, taking into account the existing and proposed mitigation measures, there would be at most a risk of slight adverse effects arising from fugitive dust at the nearest receptors to the continued existing operations. This position was again agreed by the relevant Officers in recommending approval subject to the imposition of several conditions.
- 2.9. On-going dust monitoring on the site boundary has continued since preparation of the WE SES, supplemented by a round of off-site monitoring at Garth Avenue. My evidence therefore presents this additional information.
- 2.10. The dust monitoring commenced in March 2021 to update the earlier 2014 monitoring to inform the ES SES. The monitoring methodology and locations therefore initially replicated the 2014 monitoring programme as far as reasonably possible. The data obtained in 2021 was consistent with that for 2014 with dust deposition rates at the off-site Conway Close location being consistently low at rural background levels. The other monitoring locations are all either on the Site boundary or within the site and dust deposition rates vary from below and above levels that may be used to indicate the possibility of adverse amenity impacts where experienced at a sensitive land use. The latest data available for the two offsite locations demonstrates a significant reduction in deposition rates from those recorded on, or close to, the boundary, in line with expectations.
- 2.11. The assessment therefore combines a qualitative assessment combined with empirical observations. The combined use of several tools increases the confidence in the overall conclusions. The overall assessment of dust and final conclusions however ultimately relies on much professional judgement and justification.
- 2.12. Following review of the additional information I conclude that whilst the Appeal proposal may result in dust on occasion at nearby sensitive receptors I do not consider the likely frequency or magnitude to be such that would result in unacceptable levels of dust or significant adverse impacts on amenity on nearby sensitive land uses.
- 2.13. The processing activities would continue to be operated in accordance with the requirements of the Environmental Permit and the wider site with conditions included

within the planning permission with RCT being the regulatory authority to ensure or ensuring the application of appropriate control and mitigation measures at the Site.

- 2.14. It remains of my opinion that the proposed continuation of existing activities and extension would not result in significant adverse impacts on amenity of the local community.

3. MITIGATION

- 3.1. The existing processing and directly associated activities at the site would continue to be operated in accordance with the Environmental Permit issued by RCT. This would continue to require the appropriate management and mitigation of fugitive dust from these elements of the site through a range of procedures and physical measures using Best Available Techniques (BAT). Neither the proposed Western Extension development or the S73 development incorporate any changes to the existing processing activities, whether in relation to quantum or method of process, the only proposed change being the relevant extended period of time for operation.

- 3.2. The wider quarrying activities would also continue to be operated in accordance with conditions within the planning permission requiring the appropriate management and mitigation of fugitive dust. These measures would be detailed in an agreed Dust Monitoring and Management Plan (DMMP) for either the Western Extension or S73 development. With respect to the Western Extension proposals this would include measures relating to preparation of the extension area, such as soil stripping and bund creation, as well as for blasting, internal transport, material handling, stockpiling etc. The DMMP would be subject to regular review and agreement with RCT, enabling the updating and / or amending of the DMP in response to any changes in circumstances requiring additional mitigation measures.

- 3.3. Additional mitigation is also to be provided through provision of a scheme of additional planting along the site boundary north of the primary crusher feed hopper.

4. POLICY

4.1. Western Extension Appeal

4.1.1. The Reason for Refusal in relation to the Western Extension application cites MTAN:1 and that the proposed quarry activities encroach within 200m of the sensitive development. MTAN:1 provides minimum distances that should be adopted unless there are clear and justifiable reasons for reducing this distance. The overarching PPW however requires the effects on local communities to be minimised to an acceptable standard. Similarly, RCT Policy AW10 refers to *unacceptable* impacts. I have therefore in my evidence considered the risk of the Appeal proposal resulting in *unacceptable* impacts on amenity. In determining what defines an *unacceptable* level or *significant adverse* impact I have referred to the PPW and other relevant guidance. An adverse impact on its own does not necessarily result in an unacceptable impact or a significant adverse effect.

4.2. S73 Appeal

4.2.1. The Reason for Refusal in relation to the S73 application cites the Well-being of Future generations (Wales) Act 2015 and that the proposed quarry activities encroach within 200m of the sensitive development. This legislation does not make any reference to pollution or dust.

4.2.2. As for the Western Extension Appeal I have therefore referred to the overarching PPW and RCT Policy AW10 which both to *unacceptable* impacts. I have therefore in my evidence considered the risk of the Appeal proposal resulting in *unacceptable* impacts on amenity. In determining what defines an *unacceptable* level or *significant adverse* impact I have referred to the PPW and other relevant guidance. An adverse impact on its own does not necessarily result in an unacceptable impact or a significant adverse effect.

5. CONCLUSIONS

- 5.1. Taking into account the full range of available evidence unacceptable levels of dust are not predicted to be experienced at the nearby sensitive land uses and significant adverse impacts are not predicted as a result of either the Western Extension Appeal or S73 Appeal.
- 5.2. Overall, from my review of the information and results of the assessment, I conclude that, with the incorporation of appropriate mitigation, the proposed developments comply with the relevant national and local planning policies in relation to dust matters.
- 5.3. As such dust would not justify the refusal of the Appeals and I would therefore respectfully request that the Appeals be upheld.