

Extension Appeal: APP/L6940/A/3265358

S73 Appeal (APP/L6940/A/21/3282880)

Craig yr Hesg Quarry

Statement of Common Ground: Dust

1. Introduction

1.1. The reason for refusal in relation to the Western Extension Appeal is given as:

***Reason 1:** Minerals Technical Advice Note (MTAN) 1: Aggregates (Paragraphs 70 and 71) identifies a suitable minimum distance between hard rock quarries and sensitive development is 200 metres, and states that any reduction from this distance should be evidenced by clear and justifiable reasons. The proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing that minimum distance in this case.*

1.2. The reason for refusal does not specifically refer to dust. However, Paragraph 71 of MTAN 1 referred to in the reason for refusal refers to dust arising from mineral extraction and processing operations.

1.3. The reason for refusal in relation to the S73 Appeal is given as:

***Reason 1:** The additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within Glyncoch. Glyncoch is a deprived community, and such communities are acknowledged as being disproportionately affected by health problems. The continuation of quarrying within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust and air quality) to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The need for the mineral does not outweigh the amenity and well-being impacts.*

1.4. The Statement of Case provided by RCT cites deficiencies in the assessment of dust impacts in relation to both Appeals. The following therefore forms the separate topic specific Statement of Common Ground (TSoCG) in relation to dust.

1.5. This TSoCG has been prepared jointly by Katrina Hawkins for the Appellant (Hanson) and Mark Dawson for Rhondda Cynon Taff County Borough Council (RCT).

- 1.6. The following points are agreed in relation to 'dust'.
2. Description of the Appeal Sites
- 2.1. Detailed descriptions of the Appeal sites are given in Western Extension planning application supporting statement (CD1.1), Western Extension Environmental Statement (WE ES; CD 1.2) and S73 Environmental Statement (S73 ES; CD3.1). The following is a brief summary with additional matters added which are relevant to the TSoCG.
- 2.2. Craig yr Hesg Quarry (the Quarry) is a long-established quarry which commenced operations in circa 1890. The Quarry comprises two main areas, with the processing plant site situated in the east and the main quarry area in the central and western areas of the site.
- 2.3. The current quarry operations are regulated by a ROMP schedule of 49 conditions issued by RCT in 2013 (CD10.1) which were deemed adequate by RCT to control and regulate the ongoing operation. This includes several conditions that relate directly or indirectly to the control of dust as summarised below:
- Condition 28 requires the use of best practicable means to restrict the generation of dust on the haul roads and access road and within the remainder of the quarry as a result of storage and transportation of any material;
 - Condition 29 requires the use of a water bowser or similar to be used to minimise the emissions of dust;
 - Condition 30 details several specific requirements with respect to the quarrying operations and transportation to minimise the emissions of dust.
- 2.4. In addition, Condition 15 of planning permission 13/1039/10 for improvement to the quarry entrance / exit road (CD10.3) requires the provision of a wheel wash for exiting vehicles.
- 2.5. The processing plant comprises an asphalt (roadstone coating) plant and a quarry processing plant. Both plants are regulated by an Environmental Permit issued by RCT in February 2022 (ref: PCC/009-3.5 HQPEL/0104D; CDx.x). The Permit includes 86 conditions relating to the management and mitigation of aerial emissions from the processing plant and directly associated activities. This includes the internal haulage routes to the primary crusher feed hopper, the wheel wash and the site access / exit haul road from the B4273.
- 2.6. The regulated facility is subject to regular inspections by RCT Pollution Control Officers under the Environmental Permit.

2.7. No changes are proposed to the current processing arrangements at the existing plant site for either Appeal.

3. Relevant Guidance

3.1. Principal relevant guidance relevant to the assessment of dust is:

- Institute of Air Quality Management (IAQM), Guidance on the Assessment of Mineral Dust Impacts for Planning v1.1, May 2016 (CD5.1);
- IAQM Guidance on the Assessment of Dust from Demolition and Construction, 2016 (version 1.1) (CD5.2).

4. Dust Monitoring

4.1. Dust deposition monitoring is not a requirement of the existing planning permissions at the Quarry.

4.2. A period of dust deposition monitoring was carried out over the period October to December 2014 to inform the air quality assessment for the Western Extension Environmental Statement (WE ES; CD1.2). The methodology used Frisbee-type dust deposition samplers with an adhesive 'sticky pad' directional dust sampler around the collection bottle. The RCT Public Health and Protection Department did not raise any objections to the methodology employed during determination of the Western extension application.

4.3. A 3-month programme of dust deposition monitoring was commenced in March 2021 to provide update information inform the Western Extension Supplementary Environmental Statement (WE SES; CD2.9). This also employed Frisbee-type dust deposition samplers with an adhesive 'sticky pad' directional dust sampler around the collection bottle. The monitoring programme was designed to replicate the 2014 programme where possible to provide an update to the WE ES. No objections have been raised by the RCT Public Health and Protection Department regarding the methodology employed.

4.4. The 2021 programme of dust deposition monitoring was also referred to in the air quality assessment for the S73 ES (CD3.1). At the time of preparation of the S73 ES data was available for the period March-April 2021. The S73 ES stated the monitoring was to be continued to complete the proposed 3-month programme.

4.5. The RCT Public Health and Protection Department did not raise any objections to the methodology employed in 2021 during the determination of the S73 application. RCT additionally did not request any further information, including later available monitoring data or additional monitoring locations, during the determination period.

4.6. There are no UK statutory standards that define the point when deposited dust causes annoyance or disamenity. Instead, a number of “custom and practice” thresholds are typically referred to in conjunction with other criteria such as the frequency of occurrence.

5. Other Considerations

5.1. During determination of the Western Extension application a Dust and Particulate Management Plan and Dust Monitoring Plan (hereafter referred to as the WE DMMP; CD2.4) was submitted by the Appellant to RCT. This document drew together the management and monitoring measures that were to be implemented specifically in relation to fugitive dust taking into account the existing planning permissions (ROMP Condition 30) and existing Environmental Permit controls.

5.2. This document included reference to the dust monitoring undertaken to inform the WE ES. The document also set out a fugitive dust monitoring plan, as requested by RCT, in relation to the Western Extension proposals.

5.3. The February and July 2020 Officers’ reports to the Planning Committee in relation to the Western Extension recommended approval subject to conditions (CD4.1 and CD4.2). The recommended conditions included for implementation of the submitted DMMP.

5.4. The S73 application was also supported by a submitted DMMP (S73 DMMP; CD3.2). The August and October 2021 Officer’s reports to committee in relation to the S73 application recommended approval subject to conditions (CD4.4 and CD4.5). The recommended conditions included for implementation of the submitted DMMP, although the conditions incorrectly refer to the WE DMMP.

5.5. The S73 DMMP also drew together the management and monitoring measures that were to be implemented specifically in relation to fugitive dust taking into account the existing planning permissions (ROMP Condition 30) and existing Environmental Permit controls.

This Statement of Common Ground: Dust is agreed between:

Signed:



Name: Katrina Hawkins

On behalf of: Smith Grant LLP

Date: 10.05.22

Signed:



Name: Mark Dawson

On behalf of: Wardell Armstrong LLP

Date: 10.05.22