

Divisions Affected: Banbury, Grimsbury & Castle

PLANNING AND REGULATION COMMITTEE

28th February 2022

Details pursuant to condition: Air Quality Monitoring Scheme

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Tarmac Asphalt and Concrete Batching Plant, Water Works Road, Hennef Way, Banbury, OX16 3JJ

Application Nos: MW.0006/22 **District Ref:** 22/00208/CDISC
MW.0007/22 22/00212/CDISC
MW.0008/22 22/00215/CDISC

Applicant: Tarmac Trading Ltd

District Council Area: Cherwell

Date Received: 19th January 2022

Consultation Period: 20th January – 10th February 2022

Contents

- Part 1- Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Assessment and Conclusions

Executive Summary

1. This report sets out the detail of a Dust Management and Monitoring Scheme which has been submitted for approval pursuant to conditions on three planning consents relating to Tarmac Trading Ltd.'s site in Banbury. The report also sets out the consultation responses received. There have been no objections to the submission from technical consultees and therefore it is considered that the scheme adequately protects amenity, in accordance with the purpose of attaching the conditions. Therefore, it is recommended that the submission is approved.

PART 1- FACTS AND BACKGROUND

Introduction

2. Three linked applications (MW.0012/21, MW.0013/21, MW.0014/21) for new development at the existing Tarmac Trading Ltd. Site in Banbury, were considered by Planning and Regulation committee on 19th April 2021¹. The applications were approved and permissions for the new development were issued on 21st October 2021 following the completion of a routeing agreement.

Site Location (see Plan 1)

3. The site is situated in the north east of Banbury, approximately 1.3km to the north of Banbury town centre and approximately 1km to the west of Junction 11 of the M40 motorway. It takes access from the A422 Hennef Way via Water Works Road also known as Grimsbury Green, which is a no-through road. The nearest residential properties are approximately 150 metres to the south on the other side of Hennef Way.

Development at the Site

4. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, offices, and associated infrastructure.
5. The new permissions granted in October 2021 allow for the demolition of the existing concrete batching plant and provision of a new permanent aggregate storage bay area, new weighbridges, car parking, new offices, a new concrete plant in a different location, reconfigured storage bay area and the provision of a temporary stock bay area and weighbridge to accommodate additional aggregate deliveries associated with the construction of HS2.

Air Quality Condition

6. Each of the three consents contained an identical condition, which reads as follows:

No operations shall commence until a scheme for air quality monitoring to be undertaken in appropriate places, has been submitted to the Minerals Planning Authority and approved in writing. The submitted scheme shall include details of monitoring locations and frequencies, trigger levels and mitigation measures to be implemented in the case of trigger levels being exceeded. It shall include details of how the results of the monitoring will be provided to the Minerals Planning Authority. Any scheme approved shall be implemented in full.

¹ The reports and minutes for this meeting can be found online: [Agenda for Planning & Regulation Committee on Monday, 19 April 2021, 2.00 pm \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/agenda-for-planning-and-regulation-committee-on-monday-19-april-2021-2.00-pm)

Reason: To protect air quality on Hennef Way and local residential areas (OMWCS C5)

7. This is condition 19 on MW.0012/21, condition 19 on MW.0013/21 and condition 17 on MW.0014/21.
8. The requirement for air quality monitoring to be undertaken in appropriate places was one of three additional conditions added by Planning and Regulation committee. The other two additional conditions related to vehicle movements and hours and did not require a submission. However, the requirement for air-quality monitoring was imposed in the form of a condition requiring details to be submitted setting out the proposed monitoring, for approval.
9. The applicant has submitted a 'Dust Management and Monitoring Plan' to comply with this condition. There is one submission, but there are three reference numbers as it has been registered against each consent.
10. Conditions requiring a scheme to be submitted and approved prior to the commencement of development are common. They are usually dealt with under delegated powers. In this case the local member has requested that the submission is considered by Planning and Regulation committee.

The Submitted Scheme

11. The submitted scheme² sets out the sources of dust emissions including aggregate processing, material handling, transportation and stockpiles, factors influencing dispersal and measures to control it. It sets out mitigation measures which will be implemented including a vehicle speed limit on site, use of water bowser, minimisation of drop heights, maintenance of haul roads, sheeting of HGVs and use of a road sweeper where necessary. It sets out how dust will be monitored, including a programme of quantitative measurement of dust deposition and soiling, to be implemented following the commencement of additional storage and unloading at the site.
12. Monitoring would take place for six months using omni-directional gauges at boundary locations. These would be sent off for analysis in a laboratory to determine deposition rates and surface soiling. The results would be compared to benchmarks for amenity derived from guidance from the Environment Agency and the Institute for Air Quality Management. A summary of the results would be provided to the Minerals Planning Authority.
13. Contingency measures are proposed for situations where control measures have failed, or adverse impacts have occurred. This includes contingency actions for a situation where complaints are received, dust monitoring indicates exceedances or a water supply failure. The report also sets out a complaints

² The scheme can be viewed online using reference MW.0006/22: [Planning Register | Oxfordshire County Council](#)

procedure setting out how measures will be put in place to prevent re-occurrence.

14. If the initial six months of monitoring showed minimal risk of emissions breaching the indicative limit values, monitoring would cease, unless required under the contingency measures.

PART 2 – OTHER VIEWPOINTS

Consultation Responses

15. The submission was subject to a 21-day consultation with Banbury Town Council, the local member and consultees with relevant expertise. There is no public consultation or advertisement of details pursuant submissions such as this. The responses are provided below.

County Councillor Hannah Banfield

16. I have some concerns about the submission and would like it to be considered by Planning and Regulation committee.

Banbury Town Council

17. No objections but in the complaints procedure we would like to see a report given back to the complainant within a set time period.

OCC Public Health

18. No objection. Assuming that the applicants take all appropriate measures to prevent or control pollution in accordance with sector/industry standards then I do not have any additional comments

Cherwell District Council

19. No objection to the discharge of these conditions, as the Environmental Protection Officer is satisfied with the contents of the submission.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant Development Plan Policy

20. The relevant policy is:

Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- C5 (Local Environment, amenity and economy)

21. The reason for the condition states that the relevant policy is OMWCS policy C5. This states that proposals for minerals development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and other sensitive receptors and the local economy, including from (amongst other things) dust. It goes on to say that mitigation measures may be required as determined on a site-specific case by case basis.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

22. The consultation responses including those from technical experts confirm that the submitted scheme is satisfactory to safeguard local amenity from dust emissions, as required by OMWCS policy C5. Therefore, I consider that the scheme should be approved.
23. In addition to the dust monitoring which would be undertaken by the applicant as a requirement of this scheme, Monitoring Officers from Oxfordshire County Council planning team will conduct regular, routine monitoring of the site to check that conditions on the planning consents are being complied with. Officers would liaise with OCC Public Health and the District Environmental Protection Officer with regard to the results of the monitoring carried out by the applicant pursuant to the approved scheme or any subsequent complaints received about emissions from the operations.

Financial Implications

23. Not applicable as the financial interests of the County Council are not relevant to the determination of submissions pursuant to conditions on planning applications.

Legal Implications

24. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

25. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any such issues are raised in relation to consideration of this submission.

Conclusions

26. A dust management and monitoring scheme has been submitted to meet the requirements of the condition on three planning consents at Tarmac Trading Ltd.'s site in Banbury. A consultation has been held and there are no objections to the approval of the submitted details, which would ensure that dust does not cause unacceptable amenity impacts, in accordance with OMWCS policy C5.

RECOMMENDATION

27. **It is RECOMMENDED that the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 is approved.**

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning.
February 2022

Annexes: None

Background papers: None

Other Documents: Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy