

**For: PLANING & REGULATION COMMITTEE – 15 APRIL 2013**

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)**

**Development Proposed:**

**Request for prior approval of the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale**

**Division Affected:** Hanneys & Hendred  
**Contact Officer:** Taufiq Islam **Tel:** 01865815884  
**Location:** Upwood Quarry  
**Application No:** MW.0017/13  
**District Council Area:** Vale of White Horse

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**Recommendation**

The report recommends that the application be approved, subject to there being no adverse comments from Environmental Health Officer of the District Council.

**Part 1 –Facts and Background**

**Introduction & Background**

1. The purpose of this report is to consider the request for development which benefits from “permitted development” rights under Part 19, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (“the GPDO”), subject to the prior approval of the Mineral Planning Authority.
2. The GPDO grants deemed planning permission for a number of different types of development, subject to certain provisions. This means that it is not necessary for these types of development to be subject to an application for express planning permission.

3. The current proposal concerns Part 19 of the GPDO. Part 19 grants planning permission for certain forms of development that are ancillary to mining operations, including the provision of certain buildings, plant and machinery at a mine (under Class A), and, with the prior approval of the mineral planning authority, on ancillary mining land (under Class B).
4. Development is permitted under Class B subject to certain provisions, including (i) the mine is an “approved site” (i.e. it has planning permission), (ii) the principal purpose of the development is in connection with the operation of the mine or the treatment, preparation for sale, consumption or utilisation of minerals won at that mine, and (iii) before the end of 24 months from when the mining operations have permanently ceased or such longer period which has been agreed, the buildings, plant or machinery shall be removed from the land and the land shall be restored to its former condition or such other agreed condition.
5. The current proposal involves the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale. It is considered that the proposal falls within the provisions of Part 19, Class B. Consequently, before the plant may be erected, the developer is required to obtain the prior written approval of the Mineral Planning Authority of detailed proposals for the location, height and appearance of the plant. It should be noted that the current proposal is not an application for planning permission – the sole question is whether the proposed location, height and appearance of the proposed plant within the existing permitted quarry is considered acceptable.

### **The Site and the Proposal (see plan 1)**

6. The site is known as Upwood Park Quarry. It is situated north west of Abingdon in the parish of Besselsleigh, approximately 4km west of the A34 and 400 metres west of the A420. Access to the site would be formed from the A338.
7. The proposed development is located 400 metres from the Parsonage Moor Site of Special Scientific Interest (SSSI) that forms part of the Cothill Fen Special Area of Conservation (SAC).
8. The nearest residential properties - Brushwood House and Brushwood Bungalow are situated 220 metres west of the proposed development. The property of Redlands lies 430m north-east of the site and Rowleigh House is approximately 500m north-east of the development. Approximately 400m north of the development is Upwood Park House.
9. The area the subject of this proposal would be located in Phase 1 of Field 3 within the permitted quarry, where the office, weighbridge, stock handling and storage areas lie. It would be sited approximately 130 metres from the nearest public footpath.

10. The plant would comprise low level equipment. The tallest element would be the cement silos at 8 metres (plus handrails) and the feed hopper enclosure at approximately 6 metres. It is proposed to be set down onto the quarry floor which is 2 metres below the unexcavated surface.
11. The bulk of the equipment would be four 15 tonne aggregate storage bins together with two 50 tonne capacity cement storage silos. The aggregate and cement would discharge in weighed batches onto an inclined conveyor which would feed into a receiving hopper enclosed for weather-proofing purposes and to prevent wind blow of materials. The feed hopper would discharge directly into the truck-mixer drum which mixes it to the correct consistency while travelling on route to the destination.
12. All water required in the plant would be taken from the mains water supply and stored ready for use on site in a tank. It would be fed into the truck-mixer drum by pipeline which attaches to the incline conveyor. There would be an additional tank for recycled water from the drum washout.
13. The applicant states that the geological deposit at Upwood Quarry contains an element of limestone. The limestone is crushed and sold as a fill material. After commencing extraction at the quarry it has been found through rigorous testing of the material, which wasn't previously possible in the small sample quantities taken from the exploratory boreholes before planning permission was granted, that it is suitable for producing concrete. It is therefore proposed that the mineral be accordingly utilized by the installation and operation of the proposed batching plant.

### **Site History**

14. The County Council granted planning permission on 14 January 2010 for the extraction and processing of soft building sand and intermittently occurring limestone. The permission also included provision of all ancillary facilities necessary for extraction and infilling including but not limited to office, weighbridge, access ways, recycling plant and the restoration of the site for nature conservation and agricultural uses.

## **Part 2 – Other Viewpoints**

### **Consultation and Representations**

15. Part 19 of the GPDO does not specify any requirements for consultation or publicity for this type of prior approval application. In this instance, however, four nearby Parish Councils and the District Planning Authority have been consulted. The local County Councillor has also been notified.
16. The local County Councillor does not support this application.

17. Marcham Parish Council – Have objected to the application. Their comments are summarised below:

- The proposal would lead to the importation of materials, increasing traffic movements and affecting the amenity of the area.
- The proposal, given the height of the silos, noisy operation, vehicle movements and products used would impact on the protected nature reserve and wildlife, causing environmental damage.
- The proposal could reasonably be sited elsewhere without impact on the conservation area, Oxfordshire's Green Belt and housing.
- The terms of Part 19 Class B can be invoked for refusing the application as there are adequate grounds to do so owing to the impact on the amenity of the neighbourhood and the ease of siting the concrete plant elsewhere.

18. Vale of White Horse District Council

The Environmental Health Officer (EHO) has made the following comments:

- The Planning Statement accompanying the application makes a general comment that noise would not have a negative impact on residential amenity. It would be helpful to have some evidence to support this statement.
- Recommend that a noise assessment should be undertaken to assess the impacts of any noise at nearby noise sensitive properties.
- The operation of a concrete batching plant would require a permit to operate under the Environmental Permitting Regulations. The permit would require the plant to be operated in accordance with conditions aimed at minimising dust emissions so that dust does not adversely impact on local residents.

19. Five letters of concern/objection have been received from members of the public. Copies of the letters are available in the Members' Resource Centre. The points made are as follows:

- Large quantities of water being used in an environmentally sensitive and valuable area protected under European law.
- The original application stated that the sand to be excavated was a rare form of soft sand that had specialist uses hence the need for the quarry in a sensitive location. It seems that the applicant is either going to bring imported fills or devaluing the specialist soft sands.

- The objections raised for this application are similar to those raised in the initial quarrying application and that were ignored or over-ruled by the Council.
- Impacts on environment as the area is described as containing parts of an International Site of Scientific Importance, a nature reserve, a rare vegetation type of fen, part of Oxford's green belt, the home of several protected species including bats and newts, and, by implication of all of these, an area of beauty and amenity for local residents and visitors alike.
- Impacts on people because of increased noise and dust pollution from the batching operation, and increased numbers of heavy vehicles with their own traffic dangers, noise and dust pollution.
- The claim in the application that "the plant will not injure the amenity of the neighbourhood due to dust, noise, water contamination or traffic" is specious and not supported by evidence from similar operations elsewhere.
- There is already a batching plant at Sutton Courtenay and it would be far more logical to transport Upwood Quarry sand to that plant rather than to bring in extra material for processing in a totally new plant.

### **Part 3 – Analysis and Conclusions**

#### **Considerations**

20. Part 19 of the GPDO states that prior approval shall not be refused or granted subject to conditions unless the Mineral Planning Authority is satisfied that it is expedient to do so because (a) the proposal would adversely affect amenity, and that modifications can reasonably be made or conditions imposed in order to avoid or reduce the effects, or (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
21. Marcham Parish Council and three of the local residents have raised objection to this proposal mainly for increased traffic movements by importing the materials for the batching plant. They are also concerned about the impact of this development on the surrounding environment (i.e.SSSI) and amenity.
22. Extraction of mineral in this quarry has revealed a greater amount of limestone, than was apparent at the time of the original application. Therefore, the majority of the materials (sand and limestone) that would be used in ready mixed concrete would be sourced from Upwood Quarry although there may be occasions when a specialist mix would be required which would require some externally sourced materials.
23. To be able to produce concrete on site would mean that instead of exporting the sand and the limestone separately by lorry to a concrete plant elsewhere, it could be taken out as a finished product with very little change in traffic

movements. Although there would be a little increase in vehicle movements from the delivery of concrete it would be offset by the reduction in traffic movements normally used to carry the sand to concrete plants elsewhere and would remain within the 58 maximum daily movements set out in the substantive planning application approved for the quarry.

24. It is my view that dust associated with the operation would be minimal and capable of being controlled within the limits applied to the quarry as specified in the existing planning permission. In addition, modern dust collection systems would be incorporated in the plant, particularly in the cement supply loading and unloading systems. Any potential dust emission from the proposed development would also be controlled by Environmental Permit.
25. The applicant considered that the noise impact from the proposed development would be minimal and can be mitigated adequately. However, they have not provided any evidence in support of their claim. Therefore, the EHO of the District Council has requested the provision of a noise assessment report. The applicant has agreed to submit the noise assessment but it had not been received at the time of drafting this report. I will update the committee if this information is received and the EHO's further comments.
26. Whilst the proposed plant would be seen from a nearby footpath, more in winter than in summer, it would be sited within an area designated for sand and stone processing, storage and other quarry activities. Therefore, it would be viewed as a part of the already planned operational activity. The view would in any event be transient and any impact would little greater than would be experienced from the consented workings.
27. There is a sufficient distance between the proposed plant and the SSSI (400m) and there should not therefore be any additional impact.
28. It is my view that the proposal would ensure the sustainable use of raw materials at source and conserve the primary aggregate for the highest end use and that the proposed plant ought not and could not be reasonably sited elsewhere. The existing conditions of the planning permission would remain the same to control any potential impacts from the entire quarry operations (including the proposed plant) and so I do not consider that there would be any greater injury to the amenity of the neighbourhood than exists in relation to the existing consented development.
29. Therefore, I recommend that prior approval for the proposed development should be granted.

### **Recommendation**

30. **Subject to no adverse comments being received from the Environmental Health Officer regarding noise impact it is RECOMMENDED that the prior approval is granted for the installation and use of a Concrete Batching Plant to produce ready-mixed concrete for sale under Part 19,**

**Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), and in accordance with the detailed proposals for the location, height, design and appearance of the plant, as contained within the application and listed in the Schedule of Approved Plans and Documents.**

**Schedule of Approved Plans and Documents**

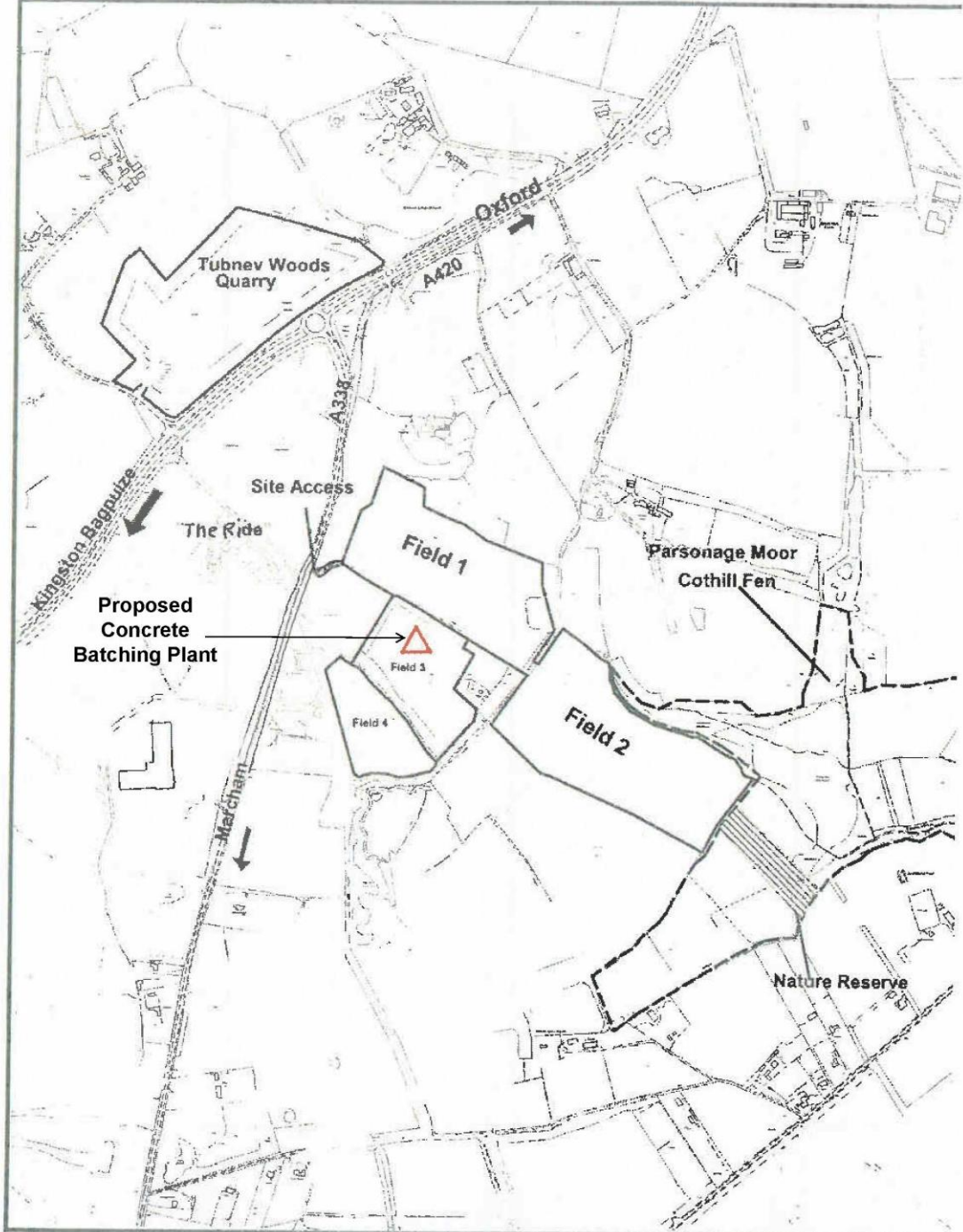
- (i) Supporting statement by Land and Mineral Management Limited (dated 15/01/2013), (ii) Concrete Plant Location – drawing no. 490B -2 dated 17/01/2013 and (iii) GA of Transportable Plant – drawing no. BPL 8844 dated 15/10/2012

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy and Infrastructure Planning)

Annex 1 – Plan 1

Plan 1



Not to scale  
for indicative purposes only