

For: PLANNING AND REGULATION COMMITTEE – 19 October 2020

By: Assistant Director for Strategic Infrastructure and Planning

Development Proposed:

Details Pursuant to Condition 25 (approval of Dust Management Plan) of Planning Permission P18/V2610/CM (MW.0104/18)

Division Affected: Kingston & Cumnor

Contact Officer: Matthew Case **Tel:** 07584262456

Location: Shellingford Quarry, Stanford Road, Stanford in the Vale, Faringdon, SN7 8HE

Application No: MW.0090/20

District Council Area: Vale of White Horse

Applicant: Multi-Agg Ltd

Dates Received: 24 September 2020

Consultation Periods: 3 January to 27 January 2020 and 10 March to 31 March 2020 (Informal Consultation)

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Recommendation

The report recommends that Application MW.0090/20 be **Approved**.

Part 1 – Facts and Background

Location (see site location plan Annex 1)

1. The existing Shellingford Quarry (38 hectares) and western extension (30 hectares) is located immediately south of the A417 approximately 600 metres west of Stanford in the Vale. It is also approximately 300 metres east of Shellingford and 3.2 km (2 miles) south east of Faringdon. The approved extension area would be immediately west and south west of the existing quarry, bringing the working closer to Shellingford.

Site and Setting

2. The quarry extension area to which the submitted Dust Management Plan relates is consented under planning permission no. MW.0104/18 (P18/V2610/CM) measures 30 hectares and is currently in agricultural use. It is adjacent to the existing quarry which includes areas of mineral extraction, waste infilling, mineral recycling, mineral processing and stockpiling, offices, carparking and waterbodies.
3. The closest buildings to the site are agricultural buildings immediately west of the site boundary. The closest residential properties are in Shellingford village and lie approximately 250 metres west of the site boundary. Shellingford Primary School also lies a similar distance from the boundary, also in Shellingford village. Quarry Cottage also lies approximately 250 metres from the extension area, to the north east, on the B4508/A417 crossroads. The closest properties in Stanford in the Vale are approximately 1km (0.6 mile) from the extension site and 400 metres from the existing quarry.
4. Stanford in the Vale Household Waste Recycling Centre (HWRC) lies on the other side of the A417, approximately 650m from the extension area.
5. The White Horse Business Park lies immediately to the east of the southern part of the proposed extension area. The existing quarry lies immediately east of the northern part of the extension area.
6. Holywell Brook lies approximately 100 metres south of the application boundary. Public footpath 338/6 lies close to the southern boundary outside of the site.
7. The application site falls entirely in flood zone 1 which is the area of least flood risk. There is a corridor of higher flood risk along the Holywell Brook, however this is outside of the application area.
8. The site slopes gently to the south, falling from 89m AOD in the north to 74m AOD in the south.
9. The closest SSSI is the Shellingford Crossroads SSSI designated for its geological interest. This lies 80 metres north of the existing quarry, north of

the A417. Wicklesham and Coxwell Pits SSSI lies approximately 2.8 km (1.7 miles) east of the site. Fernham Meadows SSSI lies approximately 3.5km (2 miles) south west of the quarry. Chaslins Copse Local Wildlife Site lies approximately 600 metres west of the site on the other side of the B4508.

10. The North Wessex Downs Area of Outstanding Natural Beauty lies approximately 6km (3.7 miles) south of the site.
11. The site is predominantly agricultural and also includes an area of woodland plantation. 4.9 hectares of the site is subgrade 3a agricultural land, which is classified as 'best and most versatile' agricultural land. This comprises 16% of the total site area.
12. Part of Shellingford village has been designated as a conservation area which also contains a number of listed buildings. This lies approximately 250 metres from the site boundary. St Faith's church in Shellingford is Grade I listed and lies approximately 270 metres from the site boundary.
13. Stanford in the Vale also has a designated conservation area containing listed buildings, this is 1.2 kilometres (0.7 mile) from the extension area site boundary at the closest point. There are five listed buildings located in close proximity west of the A417 in Stanford in the Vale, these are approximately 1 km from the application site.
14. An existing vehicle track runs close to the site boundary around the northern and western boundaries. This forms the western boundary south of the agricultural buildings and then swings east so that the southern section of the extension area lies south of the track.
15. The extension area lies within Shellingford Parish and Stanford in the Vale Parish lies immediately east. The existing quarry includes land in both parishes.

Background and Details of Development

16. The proposed extension area is adjacent to the existing Shellingford Quarry. Quarrying at this site was originally permitted in 1986. The current quarrying operations were granted consent in 2009 (planning permission reference STA/SHE/8554/8-CM OCC ref MW.0132/09), and this consent has since been varied by a new permission issued in 2011 (STA/SHE/8554/12-CM OCC ref MW.0020/11). An eastern extension to the quarry was permitted in 2011 (permission reference STA/SHE/8554/11-CM OCC ref MW.0021/11).
17. There are a number of other permissions at the quarry related to the mineral extraction, including separate permissions for the sorting and export of inert material, a screening bund, a security caravan and a site office and weighbridge.

18. The application for the western extension was taken to the Planning and Regulation Committee on the 15 July 2019. The resolution to grant planning permission was subject to the signing of Section 106 agreement.
19. Dust was outlined as a key issue and concern by the committee. Approval was granted subject to a detailed dust management plan to be submitted to committee for final approval before work commenced having first been submitted to the public health and the environmental health teams and reflecting the comments raised by members to secure a robust and meaningful scheme.
20. In January 2020, the case officer agreed with the applicant in order to speed up the process of processing the scheme once permission was issued, that a draft Dust Management Plan (DMP) could be submitted and consulted in order to help develop a scheme, that would effectively mitigate any potential significant impact on the local residents in particular the village of Shellingford. After further amendments the management plan was later circulated for a further consultation period of 21 days in March 2020.
21. In June, based on comments made by various consultees, the case officer asked for the following changes to the draft document:
 - Updates to Section 3.3.4 so the haul road and wheel spinner improvements are included in the DMP.
 - Suggested to tie the complaints section, so corrective actions can be discussed at the Local Liaison meeting.
 - Suggested improvements to section 4.1 in terms of visual monitoring of dust on the highways
 - Although Public Health had agreed PM10 readings are conformably below the threshold, asked that the management plan should include a mechanism to trigger further monitoring of PM10 as part of a yearly review of the DMP, including introducing real time monitoring if it is shown to be needed.
 - Also asked for changes to the DMP, so once available monitoring data can be shared and discussed at liaison meetings.Changes were made to incorporate the suggested amendments in June 2020.
22. The planning permission to the application was finally issued after the signing of the Section 106 agreement on 24 September 2020. The final condition wording for condition 25 states:
No development shall take place until a detailed scheme for the monitoring and management of dust emanating from the site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:
 - *Details of how dust will be monitored at all stages of the operations including both during operating hours and outside of operating hours;*
 - *Details of dust monitoring information gathered prior to the commencement of operations;*

- *Procedures for recording information gathered during dust monitoring and provision of this information to the Minerals Planning Authority on request;*
- *Dust suppression measures, including in relation to moving and storage of soil, overburden and other materials on site;*
- *Prevention of dust from exposed surfaces such as bunds, including how it will be managed outside of working hours;*
- *Dust control measures;*
- *Dust suppression measures for haul roads;*
- *Provision for monitoring and review of the scheme; and*
- *Details of weather conditions which would cause working to reduce or suspend.*

The development shall be carried out in complete accordance with the approved scheme.

Reason: To protect the amenity of local residents in Shellingford and other nearby properties (OMWCS C5).

23. The detailed scheme to discharge condition 25 has now been submitted and includes the amendments that came out of the consultation period. The DMP has been attached at Annex 2 to this report and is summarised below:

- Details on why the DMP is required, including requirements of the condition.
- Details on the site's setting, and proximity to Shellingford and the business park.
- How the scheme will be linked to the Local Liaison Group (LLG), and states when appropriate the operator will share dust monitoring data and discuss the community's concerns and received complaints linked to dust and air quality.
- The scheme has a chapter on the types of emissions, including disamenity dust (types of dust) and how dust sampling will be undertaken. This includes details on how PM10 dust (fine dust) was monitored in late March-late April 2019. The levels were shown to be acceptable. Therefore, it states the scheme will focus on visible dust. The chapter also gives details on sources of dust, including soil stripping, mineral extraction and wind scouring.
- The scheme gives details of the dust receptors within and beyond the quarry boundary. Includes details on what receptors will be affected at what stage, distance from the extension, direction to dust source and sensitivity level.
- The scheme includes a chapter on dust management, this includes standard good practice dust control. Controls will be set including routine checks of plant and machinery, monitoring of all activities with potential to cause either airborne or wind-blown dust emissions. When visible dust is generated, necessary corrective action will be taken. Actions will be recorded in site logbook. The scheme states site operations causing visible dust emissions towards a sensitive receptor will be reduced or suspended until the emissions can be controlled. The scheme includes details on how to interpret weather conditions and necessary corrective actions.

- The management chapter includes details on how soil stripping, soil storage and reinstatement will be managed. This includes using measures like water sprays or wetting down the ground. There are similar sections on mineral extraction/handling, use of mobile plant and wind scouring of exposed surfaces and stockpiles.
- The scheme includes a section on site management and staff training, in order for full compliance with the DMP. This includes staff at all levels, with the site manager given responsibility to maintain the logbook.
- The scheme includes a chapter on monitoring of dust emissions. Dust samples will be collected at appropriate locations over weekly or fortnightly intervals only when site activity is closest to receptors, this will help monitoring of direction and quantity of dust flux towards off-site receptor locations. The section includes details of the methodology, i.e. the use of sticky pads (directional dust samplers). The pads are cylindrical, in order to collect dust from all directions.
- All dust monitoring results will be reported and will be issued to the operator and made available to the County Council as Mineral Planning Authority (MPA) and district council EHO. The results will be summarised and evaluated in regular dust summary reports when required. The reports will be made available to the LLG for discussion.
- The scheme includes details of the emergency response procedure, in the event of a major dust emission. The procedure document will be kept at the site office.
- The scheme includes a chapter on complaints. Complaints to be reported to the site manager, in order to carry out an investigation, in order to ensure necessary corrective measures are taken.
- The final chapter in the scheme relates to the annual review and update of the MPA. The reviews will include compliance records, complaints history, monitoring records and any recent sensitive developments or neighbouring land. Review of the plan will be undertaken in the event of potential changes to the AQO for PM10 and/or PM2.5, dust complaints from nearby residents and consistently high results from directional dust risk criteria on nearby sensitive receptors.

Part 2 – Other Viewpoints

Consultations

24. The draft DMP was sent out for consultation to the Local County Councillor, Shellingford Parish Meeting Group, OCC Public Health and District's Environmental Health Officer, as well as an interested local resident. These parties have now been advised of the submission to discharge the condition. There is however no legal requirement to consult with any third parties on submissions made to discharge planning conditions.

25. The responses to the consultations are summarised below ; full documents are available on the e-planning website: <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display>

26. Shellingford Parish Meeting -

The Parish Meeting Group commented on all versions. In terms of the last consultation, the parish stated the DMP was unacceptable. The Parish would like to see real-time measurements of harmful PM10 dust at sensitive receptors in the village and along the A417. They were unhappy as PM10 measurements were taken during a relatively wet period in March and April. They have concerns that PM10 and PM2.5 emissions are 'effectively invisible', and therefore 'subjective visual assessment of fugitive dust to determine when mitigating action is triggered is unscientific and thus holds no weight'. The Parish were unhappy with cylindrical sticky pads, as they don't provide real-time information and only measure dust flux, not dust deposition.

Public Health (OCC)

27. The OCC officer in his response (22nd April 2020) stated 'Given the time taken to leave the sticky pads out, then the time taken to send the samples to the lab and for them to analyse the pads then send the results back. If a high or very high dust period is noted in the results, it will have been some time ago and therefore nothing done to protect the public health based on this sampling cannot be used as part of a dynamic public health risk assessment.'

28. He goes on to say 'Public Health England would not recommend this sampling methodology as it does not provide concentrations of dust which people are being exposed to, there are no health based standards to compare the results to, therefore would recommend that real time monitoring of PM10 is undertaken when site activity is closest to the receptors, as these results can be compared to health based standards, and the data can be used to inform site activities immediately.

29. The agent for the applicant responded to points raised (23rd April 2020), stating they acknowledge the sticky pad monitoring is not real-time. 'However, based on the baseline monitoring carried out it is deemed appropriate for the proposed development' and that real time monitoring of visual (disamenity) dust will be provided by the site manager. Daily visual inspections will be carried out; on-site activities and weather conditions (particularly the wind direction) will be monitored; and if necessary, site activities will be managed, and additional mitigation measures implemented to minimise any disturbance. The sticky pad method is not intended to provide monitoring for a health-based assessment, it measures disamenity dust. PM10 monitoring addresses public health assessment and the monitoring from last year demonstrates that further PM10 monitoring is not required.

30. In addition, the applicant's agent summarised a phone call with the Public Health OCC Officer involved which confirmed:

- Particulate matter monitoring – Eunan [Public Health OCC] does not believe it is necessary to carry out continuous PM10 monitoring within the village. He acknowledged that the PM10 readings are comfortably below the threshold.
- Disamenity dust – We acknowledge that the sticky pad method does not provide real-time monitoring, however visual monitoring by the Site Manager is real-time.
- PHE – It is unlikely that we will receive a response from PHE, as they are understandably very busy at this time.
- Public Health Officer acknowledged that he is being rigorous in his response in this case, due to the level of public interest and reminded the agent that he is providing an opinion.

31. The case officer contacted the public health officer, asking if they were happy with the response, confirming that he agreed with the planning agent on the phone that PM10 data was low enough to not rely on real time information, and to confirm if he objected to what was stated by the agent [above]. The Public Health responded stating they had no further comments to make.

Environmental Health Officer (Vale of White Horse District Council)

32. Final Comment (17 April 2020) - The dust management plan is comprehensive and acceptable in principle in respect of general operations on site with regard to the western extension area. The introduction of a wheel spinner and sealing the road between the wheel spinner and the A417 should reduce the amount of mud and soil deposited on the A417.

33. As you are aware my principle concern relates to the historical levels of mud and dust on the road in the vicinity of the site entrance and visual evidence of track out and resuspension and deposition of nuisance dust. This problem can be dealt with by better management and it is clear that the dust management plan seeks to address this and emphasises the importance of better management of dust.

34. If the measures outlined are successfully implemented, then the resuspension of dust from road deposits in the vicinity of the site entrance should no longer be an issue. With that in mind I am content to withdraw my request for additional monitoring along the A417. However, if there are regular occasions when there is evidence of track out dust on the road which appears to relate to track out from the site then the need for additional monitoring should be reviewed. I would welcome a planning condition reflecting this.

Local Resident of Shellingford

35. Strongly voiced their concerns regarding the lack of real-time monitoring of PM10 dust produced by the proposed extension. Wishes to see additional monitoring of dust. Doesn't agree with the use sticky pad monitoring, as they don't believe it's an effective method of monitoring dust, will not quantify the harmful PM10 and PM2.5 created. They also have concerns on

the condition of the roads in terms of mud, debris and dust caused on A417. They wish to see additional monitoring locations in the village of Shellingford.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex to the committee papers)

36. The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)

37. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.

38. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

Relevant Policies

39. The relevant policies are:

- OMWCS – C5
- VLP2 - Policies 23 & 26

Part 4 – Analysis and Conclusions

Comments of the Assistant Director for Strategic Infrastructure and Planning

40. NPPF paragraph 180 states that decisions should ensure new development is appropriate for the location by considering the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential impact on amenity and nature conservation.

41. NPPF paragraph 205 states that when determining planning applications for mineral extraction, planning authorities should ensure that there are no

unacceptable adverse impacts on human health and that any unavoidable dust and particle emissions are controlled, mitigated or removed at source.

42. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including dust, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
43. VLP2 policy 23 states that development proposals should demonstrate that they would not result in significant adverse effects on amenity of neighbouring uses including in relation to loss of privacy, visual intrusion, noise or vibration, odour, dust, pollution or external lighting. VLP2 policy 25 states that noise generating development that would have an impact on amenity or biodiversity should provide an appropriate scheme of mitigation and development will not be permitted if appropriate mitigation cannot be provided in line with the appropriate British standards.
44. VLP2 policy 26 states that development likely to have an impact on local air quality must demonstrate mitigation incorporated into the design to minimise impacts. An air quality assessment will be required for development in areas of existing poor air quality.
45. As stated, the document went through two rounds of consultations in January and March 2020, with additional emails exchanged in June. Prior to the final version being produced which included suggested changes by the case officer, Public Health OCC and Environmental Health Officer did not object to the DMP. Both Shellingford Parish Meeting and a local resident objected on several grounds.
46. The Parish Meeting and resident are unhappy with the final version. The local residents have concerns with the potential for harmful PM10 dust particles, and the lack of real-time measurements completed. The Parish Meeting were unhappy with cylindrical sticky pads, as they don't provide real-time information and only measure dust flux, not dust deposition. PM10 figures were monitored last year in March and April, the DMP shows the figures to be within an acceptable level. Although the Public Health officer had some initial concerns, they agreed with the applicant that the data showed them to be acceptable. The case officer requested that the final section 'Review and Update', include reference to potential additional PM10 monitoring if data and complaints showed a need. The DMP will be reviewed and amended annually in consultation with Mineral Planning Authority. The case officer also requested additional changes to discuss dust complaints both in real time and at the local liaison meeting, and to share dust monitoring data between interested parties.
47. In addition to the DMP, based on the comments made by the Parish Meeting Group, if there are concerns regarding PM10 dust causing potential

harm to local residents, then the MPA could commission additional PM10 monitoring at sensitive receptors if required in response to complaints.

48. The Parish Meeting and a local resident also have concerns on the condition of the roads in terms of mud, debris and dust caused on the A417. This year improvements were made to the existing haul road, which has now been tarmacked and a new wheel spinner has been constructed to add to the existing wheel wash. These changes proposed have been incorporated into the latest version of the DMP. The changes proposed will reduce mud, debris and dust on the A417. The Environmental Health Officer at the District was pleased to see the improvements made and had no objection to the DMP.

49. Whilst the concerns of the Parish Meeting and local resident are acknowledged, the DMP has been through several iterations prior to its formal submission to discharge condition 25 to reflect concerns raised including from the relevant technical consultees. In the light of there being no objections to the DMP from the Environmental Health officer and Public Health Officer of OCC, it is considered that the DMP will serve to monitor dust creation, and provide mitigation measures to prevent harm to amenity in relation to dust, air quality or public health on the residents of the village or children at the school, in accordance with OMWCS policy C5, and VLP2 policies 23 and 26.

Financial & Staffing Implications

50. None identified

Equalities Implications

51. None identified

Conclusions

52. The proposed Dust Management Plan is considered to meet the requirements of condition 25 with regard to making provision to mitigate dust and air quality impact on the amenity of local residents of Shellingford from the development permitted, and is in accordance with OMWCS policy C5, and VLP2 policies 23, and 26. Therefore this application to discharge condition 25 of planning permission no. P18/V2610/CM (MW.0104/18) should be approved.

53. Recommendations

It is RECOMMENDED that Application MW.0090/20 be approved.

RACHEL WILEMAN
Assistant Director for Strategic Infrastructure and Planning

October 2020