

*Contaminated Land
Air Quality
Environmental Audit*



Partnership No: OC 300776

APP/KEH/1

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

**Proposed Sand and Gravel Quarry,
Lea Castle Farm**

Summary Evidence of:

**Katrina Early Hawkins
Smith Grant LLP**

DUST and AIR QUALITY

On behalf of: NRS Aggregates Ltd

Planning Inspectorate Reference: APP/E1855/W/22/3310099

Local Authority Reference: 19/000053/CM

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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. My evidence has been prepared on behalf of NRS Aggregates Ltd, the Appellant. It primarily deals with 'dust' (particulate matter) and potential impacts on local amenity and addresses the amenity related reasons for refusal raised by the Worcester County Council (WCC) in its Statement of Case (SoC). It also deals with other air quality matters in response to comments raised by the Rule 6 Party SoC and in the third-party representations.
- 1.3. In preparing this evidence I have reviewed the relevant documentation and guidance as set out in the Core Documents and appendices to my Proof. In particular, I have reviewed the Dust Impact Assessment and separate Air Quality Assessment prepared by other parties and submitted within the Environmental Statement (ES) with the original planning application. I have also undertaken a visit to the site and surrounding area in 2023.
- 1.4. On review of these submissions the Officers' recommended approval of the proposals, concluding that potential effects of the proposals could be adequately mitigated and managed. The recommended conditions should permission be granted included several that related directly, or indirectly, to the control and management of dust and included a condition that a Dust Management Plan be submitted for agreement.
- 1.5. However, the reasons for refusal in relation to the application included '*Unacceptable impact on residential amenity and local schools*'. The decision notice further stated '*Due to the close proximity of the proposal to these receptors, it is considered it would have an unacceptable impact on residential amenity and local schools particularly in terms of dust emissions.*' The WCC SoC specifically cites that the submitted assessments have failed to consider the cumulative impacts of the development in combination with the Lea Castle Village development.
- 1.6. My evidence addresses all concerns relating to dust and air quality matter, including providing a further assessment of the potential cumulative impacts in relation to dust

and other air quality matters and addresses the comments set out by WCC in their SoC.

- 1.7. My evidence also addresses the comments set out by the Rule 6 party in their SoC in relation to other air quality matters.

2. DIS-AMENITY DUST ASSESSMENT

- 2.1. I have reviewed and presented in my evidence summary information regarding the proposed activities associated with the quarry that may give rise to fugitive dust and potential impacts on local amenity. I have additionally reviewed information available in relation to other committed or allocated developments in the area to determine the potential for cumulative impacts. In particular, I have considered the Lea Castle Village development located to the east of the site, both with regards to the 'core' area that is currently undergoing construction and the 'wider' area for which a planning application is presently under determination.
- 2.2. The Dust Impact Assessment prepared by Vibrock Ltd to accompany the original planning application incorporated a detailed assessment of the potential sources of fugitive dust taking into account the nature and scale of the proposals. The assessment followed the recommended qualitative approach in considering the potential for any such dust to impact existing nearby properties and land uses through assessment of the distance and orientation to receptors, prevailing weather conditions, topography and screening.
- 2.3. The assessment also outlined both the proposed in-design mitigation measures along with summary management and control measures that would be implemented specifically in relation to fugitive dust.

Potential Amenity Impacts on Existing Receptors

- 2.4. The dust assessment concluded that potential impacts associated with the proposals would be *moderate adverse* at most at a single property, the Bungalow. This is predicted for when site preparation, extraction and subsequent restoration activities occur at near surface level and in the phases closest to the property. As the screening bunds establish and quarrying activities move into other phases and deepen within the void potential impacts would fall to *slight* to *negligible* at this property. Potential impacts and resulting effects are predicted to be *slight adverse* at most at Castle Barns, again falling to *negligible* as activities deepen and are further away. Potential impacts and effects are *negligible* at all other properties including the two schools to the southwest of the site.

- 2.5. The implementation of enhanced mitigation measures, particularly when operations are occurring close to the extraction boundary at near-surface levels, would reduce the likelihood of adverse impacts at the Bungalow and Castle Barns. This would include measures such as regular visual monitoring and modification of any activities if conditions develop to risk escape of visible dust off-site.
- 2.6. This position was agreed by the relevant Officers in recommending approval subject to the imposition of several conditions. This is consistent with the essence of guidance in relation to mineral activities that dust emissions can be controlled by effective site management. The recommended conditions included for pre-commencement agreement of a Dust Management Plan (DMP) with the MPA. Such a DMP would set out the findings of the dust assessment and detail the management and control mitigation measures to be implemented. It would be a dynamic document that would be subject to regular review and update in response to any changes in circumstances to ensure it remains robust.
- 2.7. The recommended condition also included for the provision of a dust monitoring programme within the DMP. This programme would be subject to agreement with the MPA and would enable the continued effectiveness of the DMP to be assessed to further inform any required revisions.
- 2.8. In addition, the importation and placement of material for restoration would be subject to control under an Environmental Permit with the Environment Agency as the regulatory authority. The permit would also cover potential dust emissions in relation to this specific aspect of the proposed activities and require operation in accordance with Best Available Techniques (BAT).
- 2.9. Implementation of these measures and operation in accordance with a DMP is predicted to reduce the potential effects at nearby existing properties and land uses to *slight adverse* at most.

Potential Cumulative Amenity Impacts

- 2.10. I have further considered the potential for cumulative impacts with the 'core' and 'wider' Lea Castle Village developments. Such impacts may take the form of:
- potential impacts from the proposals on new receptors to be introduced as part of the Lea Castle Village development, or;
 - potential cumulative impacts on any existing receptors that may be affected by both the proposed development and the Lea Castle Village development.
- 2.11. The assessment has considered the distance and orientation of proposed new receptors within both the 'core' area and the closer 'wider' area to the proposed

extraction area. The nearest potential new receptors would be 240m to the east of the extraction area. Even if these were to be occupied whilst operations were occurring in Phases 4 and 5 of the Site, the resulting effects are predicted to be *negligible*. I conclude that the proposals would not have any significant adverse effects on any proposed new receptors.

- 2.12. Two properties / areas of properties have been identified that lie within the relevant dis-amenity dust risk screening distances of both the proposed development and the 'wider' Lea Castle Village site, Castle Barns and Four Winds. The potential for cumulative impacts at these receptors would only occur if extraction and restoration activities occurred in Phases 4 and 5 of the proposed development at the same time as construction activities in the western area of the wider Lea Castle Village development.
- 2.13. Taking into account distances and orientation I conclude that the contribution of dust impacts that may arise if the western part of the wider Lea Castle Village development was to occur simultaneously with the proposed development would not result in significant adverse effects at either of these properties.
- 2.14. The overall assessment of dust and final conclusions on significance of effect ultimately relies on professional judgement and justification. Following review of the information I conclude that the Appeal proposals would not result in unacceptable levels of dust or significant adverse impacts on amenity of nearby existing or proposed sensitive land uses, subject to the implementation of appropriate mitigation measures. I conclude that the proposals would not result in significant adverse impacts on amenity of the local community.

3. OTHER AIR QUALITY MATTERS

- 3.1. I have also considered other potential aerial emissions associated with the Site such as fine particulate matter, which would form a proportion of 'dust', and on-road vehicle exhaust emissions. I have considered this both with regards to the proposed development in isolation and in-combination with the Lea Castle Village development.
- 3.2. I do not consider these are likely to result in significant adverse impacts on local air quality.

4. MITIGATION

- 4.1. As discussed in Section 2 the facility would be operated in accordance with a DMP that would be subject to agreement with the MPA. This would require the appropriate management and control of fugitive dust through a range of procedures which would be subject to regular review and updating as necessary in response to any changes in circumstances requiring additional mitigation measures.
- 4.2. In addition, the importation and placement of materials for restoration would be operated under an Environmental Permit.

5. POLICY

- 5.1. In their SoC in relation to Reason for Refusal 3 WCC cite Minerals Local Plan Policy MLP 28. This policy refers to *unacceptable adverse effects on amenity or health and well-being*.
- 5.2. Policy WCS14 of the Waste Core Strategy similarly refers to '*unacceptable adverse effects on amenity*' and the NPPF refers to *unacceptable* levels of pollution.
- 5.3. I have therefore in my evidence considered the risk of the Appeal proposals having an *unacceptable* level of impact on amenity or air pollution. In determining what constitutes an *unacceptable* level or *significant adverse* impact I have referred to the NPPF and other relevant guidance. An adverse impact on its own does not necessarily result in an unacceptable impact or a significant adverse effect.

6. CONCLUSIONS

- 6.1. Taking into account the full range of available evidence unacceptable levels of disamenity dust are not predicted to be experienced at either existing or proposed nearby sensitive land uses. Significant adverse impacts are not predicted from either the proposed development alone or in-combination due to dust or other aerial emissions with other considered permitted or allocated developments.
- 6.2. Overall, from my review of the information and results of the assessment, I conclude that, with the incorporation of appropriate mitigation, the proposed development complies with the relevant national and local planning policies in relation to dust and air quality matters.

- 6.3. As such concerns relating to dust and air quality impacts would not provide a justifiable reason to refuse the Appeal.