

APP5/5

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

Craig Yr Hesg Quarry

Rebuttal Proof of Evidence of:

**Katrina Early Hawkins
Smith Grant LLP**

DUST

On behalf of: Hanson UK

Planning Inspectorate Reference: APP/L6940/A/20/3265358 (Extension Appeal)

Planning Inspectorate Reference: APP/L6940/A/21/3282880 (S73 Appeal)

Local Authority Reference: 15/0666/10 (Extension Appeal)

Local Authority Reference: 21/0720/15 (S73 Appeal)

June 2022

CRAIG YR HESG QUARRY

REBUTTAL PROOF OF EVIDENCE: DUST

For: Hanson UK

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1 Introduction

1.1 My rebuttal Evidence considers the Proof of Evidence provided by:

- i) Mr Phil Williams – with regards to planning (LPA3.1 and LPA3.2)

1.1. In order to assist the Inspector this rebuttal evidence has been prepared to provide a review of the issues raised in the formal evidence submitted on behalf of RCT and provide a rebuttal response.

1.2. It should be noted that generally I have not repeated points which I consider are already made clear in my main proof of evidence. Therefore, the fact I have not commented on a particular issue or point made by another witness which contradicts my evidence is not intended to show that I agree with them or that I accept the point.

2. RCT Evidence with regards to Dust

2.1. No technical evidence has been provided either by, or on behalf of RCT, with regards to dust. However, the Proof of Evidence submitted by Mr Williams with regards to planning matters does make some reference to matters in relation to dust. I have therefore reviewed the evidence provided by Mr Williams and highlighted some key points below.

2.2. Mr Williams' Opinion

2.2.1. In **paragraph 4.54** Mr Williams refers to the updated dust impact assessment that was presented in the 2021 Supplementary Environmental Statement (SES) (CD2.9). He states:

Whilst the Supplementary Environmental Statement correctly identified the publication in 2016 of the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Mineral Dust Impact for Planning (CD5.1) subsequent to the preparation of the original Environmental Statement (2015), Para 4.5.1 of the SES then identifies that 'the updated assessment has been undertaken for the same receptors and for the 2015 ES and as shown in Figure 4-3'. The 2015 ES was based on an assessment of properties within 250m of the quarry, whereas the IAQM guidance identified that dust effects can be experienced up to 400m away. Whilst the SES methodology in SES Appendix 4-2 (CD2.10) suggests a 400m threshold has been used, this is not reflected in the results presented in the SES. In order to assist in understanding the magnitude of difference between the LPA have prepared a plan (Appendix 4) which indicates in the region of 445 properties within 400m of the quarry, some 391 more than within 250m. I consider that this represents a significantly greater number of receptors, worthy of more thorough consideration within the SES.

2.3. The ES Monitoring

2.3.1. The WE ES (CD1.2) stated in section 12.4.2 *Identification of Receptors* that large dust particles, will largely deposit within 100m of the source whereas intermediate sized particles (10-30 µm) may travel up to 400m. It is commonly accepted that the greatest impacts associated with dust will be within 100m of a source. This position is consistent with the guidance of the IAQM (CD5.1) that was issued in between preparation of the WE ES and WE SES (CD2.10).

2.3.2. The WE ES described potential receptors within 250m with respect to nuisance dust (Section 12.4.2 - Identification of Receptors). However, it is noted that the table of estimation of magnitude of effects (Table 12-5) which was used to inform the assessment does refer to distances of 500m and above.

2.3.3. The receptors considered in the assessment were 'grouped' to ensure consideration of receptors within different areas surrounding the site. The assessment focused on receptors within the 'groups' that lay closest to the site, but it did include receptors within those 'groups' that lay at, or beyond, 250m of the site. For example, Tables 12-16 and 12-17 include receptors R1: Cefn Cae / Cefnlee Farm settlement, R2: No 45 Greenfield Avenue, and R11: Craig yr Hesg Primary School. These are all of which over 250m from the existing site or proposed extension boundary. The descriptive text in Section 12.8.1 also discusses receptors more than 250m from the site or extension proposals including Ynysybwl Road, located over 500m from the extension proposals to the east.

2.3.4. At the time of preparation of the WE SES there had not been any new development in the vicinity of the site. As such, no new 'groups' or individual receptors were identified that required assessment in the WE SES compared to the WE ES. Therefore, it was considered appropriate to retain reference to the receptors as originally considered.

2.3.5. As a matter of fact, therefore, the assessment presented in the WE ES did consider receptors beyond a 250m distance of the application boundary. At no stage does the assessment specify there are a certain number of receptors within a 250m distance of the site or rely on such a number to inform the assessment or conclusion of overall significance.

2.4. IAQM Guidance and Monitoring Results

2.4.1. The 400m distance is referred to in the IAQM guidance as a 'screening threshold' to indicate when a dust assessment is required. It does not mean that adverse dust effects will be experienced from every hard rock quarry within this distance. As noted above in para 2.3.1 it is commonly accepted that the greatest impacts associated with dust will be within 100m of a source. Hence the actual assessments presented in the WE ES and WE SES take into account factors such as screening, prevailing wind direction, in-design mitigation measures etc.

- 2.4.2. The dust monitoring data presented in the addendum to my Proof of Evidence (APP5/4) further demonstrates this fall in dust deposition rates away from the Site boundary. The measured dust deposition rates at the off-site locations have been substantially lower than those on, or close to, the site boundary (at 101 and 66 mg/m²/day compared to 327 and 301 mg/m²/day over the March-April 2022 monitoring period and 69 and 59 mg/m²/day compared to 176 and 124 mg/m²/day over the April-May monitoring period 2022).
- 2.4.3. As noted in para 4.5.1 of the WE SES, there is a risk of *slight adverse* effects, at most, arising from fugitive dust at the nearby residential receptors from both the proposed extension activities and continuation of existing activities. Those properties are within 10m of the site boundary. These impacts would reduce to *negligible* both for receptors further from the site and, in relation to the proposed extension, as operations move away from the boundary.
- 2.4.4. I consider therefore that the dust assessment as presented in the WE SES is both entirely consistent with the IAQM Guidance and has properly characterised the nature and extent of dust effects.