

County Matter: Minerals

Mid Devon District: Importation of up to 1.5 million tonnes of as-raised sand and gravel from Straitgate Farm into Hillhead Quarry for processing, Hillhead Quarry, Uffculme, Cullompton

Applicant: Aggregate Industries UK Ltd

Application No: 17/00398/DCC

Date application received by Devon County Council: 2 March 2017

Report of the Chief Planner

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 The application is for the importation of up to 1.5 million tonnes of as-raised sand and gravel from Straitgate Farm for processing at Hillhead Quarry which is located near Uffculme, 8 kilometres north east of Cullompton. The application is supported by an Environmental Statement in tandem with an application for a proposed sand and gravel quarry at Straitgate, Ottery St Mary. This report should be read in conjunction with the report associated with that application.
- 1.2 It is considered that the main material planning considerations in the determination of the proposed development are highways and traffic issues and residential amenity.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/3945/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3945/2017>
- 1.4 Members of the Development Management Committee were due to undertake a visit to the application site on 24th November to view the location of the proposal and its surroundings.

2. The Proposal/Background

- 2.1 The application proposes the importation of 1.5 million tonnes of sand and gravel for processing at Hillhead Quarry, an existing active extraction site

located in Mid Devon. Hillhead Quarry is located 1.9 kilometres to the east of Junction 27 on the M5 and 1.2 kilometres from the village of Uffculme. The quarry complex itself extends to beyond 91 hectares in its entirety.

- 2.2 The Hillhead site is located adjacent to Broadpath landfill site, which has ceased receiving waste and is currently undergoing restoration, with ancillary activities including landfill gas generation continuing. To the west lies the active mineral exaction site of Houndaller, with land to the north east either having been restored following mineral extraction or awaiting restoration. To the east of Broadpath landfill site, land is allocated as a 'preferred area' for sand and gravel extraction through Policy M12 of the Devon Minerals Plan. This allocation has a future potential yield of 8 million tonnes of sand and gravel.
- 2.3 The site and surrounding area have been the subject of a number of planning permissions for mineral extraction and waste related development. Planning permission was granted by Mid Devon District Council for the installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power and associated infrastructure on the adjacent land to the south and east extending to 8.5 hectares.
- 2.4 Hillhead Quarry underwent a Review of Old Mineral Permissions (ROMP) in 2019 (planning reference 16/01697/DCC) which is a requirement under the Environment Act 1995. The purpose of such reviews is to ensure that extant mineral planning permissions are subject to operating conditions that accord with up-to-date environmental standards; this review included consideration of the protection of the amenity of residents and the impact of traffic.
- 2.5 The processing plant was erected in 2018 under permitted development rights within Class A, Part 17 of The Town and Country Planning (General Permitted Development) (England) Order 2015. These permitted development rights allow for the installation of plant and machinery subject to the plant processing material from within the Hillhead site. Consequently, planning permission is required when importing material for processing from Straitgate Farm or any other sites.
- 2.6 The route to the processing plant in Hillhead Quarry is via Clay Lane, which provides access onto the A38, then crosses over Waterloo Cross roundabout, onto the M5 via Junction 27, and onward to the proposed quarry site at Straitgate Farm near Ottery St Mary in East Devon. The route is approximately 37 kilometres (23 miles) between the sites.
- 2.7 Planning permission for the widening of Clay Lane to allow for two-way vehicular movements was granted by Devon County Council (18/01074/DCC) in October 2018 and lawfully implemented earlier this year. The associated S278 highways agreement, which ensures that the scheme is suitable for Highways Authority adoption, has received technical approval and the matter is being progressed by solicitors. There is also a legal undertaking that commits the operator to complete the works associated with the widening of

Clay Lane within 24 months from the date of completion of the highway agreement.

3. Consultation Responses

- 3.1 Mid Devon District Council (Planning): no objections subject to appropriate visual and ecological mitigation being conditioned and completed.
- 3.2 Mid Devon District Council (Environmental Health): support the application, consider it is desirable for the widening of Clay Lane to be carried out before importation of material to alleviate the noise and air quality impact on the residential properties on Broad Path.
- 3.3 Uffculme Parish Council: no objection, but requests a condition be applied relating to the construction of the access road. The Parish Council requests that the road be completed prior to importation of any material, and it provides additional comment that the impact of noise of processing should be assessed and that the plant associated with processing the imported material be located to mitigate potential increase in noise pollution.
- 3.4 Burlescombe Parish Council: no objection. Fully supports the comments made by Uffculme Parish Council.
- 3.5 National Highways: no objection. Recommendations have been provided with regard to junction improvements associated with the Straitgate application.
- 3.6 Historic England: no comment.
- 3.7 Natural England: comment that the proposal is unlikely to affect any designated sites and provides advice regarding soils, reclamation and proximity Blackdown Hills AONB.
- 3.8 Environment Agency: no objection. Request conditions be applied to control the environmental impact of the proposal on the local watercourses through the use settlement facilities and interceptors.
- 3.9 Health & Safety Executive: no comment.
- 3.10 Public Health England: commented that on reviewing the application documents it was noted that the Environment Agency had no objection. The local authority Environmental Health Officer also reviewed the application and has noted that the widening of Clay Lane will alleviate the noise and air quality impacts on the residential properties on Broad path. In regard to noise Public Health England chose not to comment further.

Operations at the proposed facility have the potential to create dust however there is no information in the application that details the mitigation measures that will be implemented at the site to minimise off site impacts.

The site has been mothballed since 2007 and there is no mention of complaints in the community or monitoring that has previously been undertaken. The applicant notes that as there is no substantive changes to the permitted site operations and that existing planning consent includes conditions to control impacts on the environment from dust and air quality that it was not considered necessary to assess the impacts from the processing of the imported materials from Straitgate farm.

There does not appear to be any details in the application about background air quality monitoring that has taken place at Hillhead quarry and no assessment about the Predicted Environmental Concentrations (PECs) that are expected from the operations at the installation. If the Hillhead quarry is not operational it might be opportune for the operator to undertake background air concentration monitoring in order to achieve a baseline concentration which can be used to predict PECs and to show compliance with Air Quality Objectives (AQOs), especially if complaints are raised. Therefore, they are unable to comment on the potential fugitive emissions to air or the likelihood of any public health impact on the nearby population. The planning authority needs to be confident that all mitigation measures of particulate matter from the installation along with good practice should be adequate to prevent any emissions from the site impacting on public health. As a minimum we would recommend that the Regulator ensures that dust mitigation and control measures are included in any approval conditions to keep emissions to a minimum.

- 3.11 Devon Wildlife Trust: no comment.
- 3.12 DCC Highways: no objection. Comment that the route to the site from the M5 is acceptable. The proposed development is advocating the widening of Clay Lane and a revised one-way system to avoid the junction with A38 and Broadpath. This measure can only be welcomed. It will bring benefit in terms of amenity to the residents of Broadpath, betterment to the junction of Clay Lane in terms of alignment and subject to detail design and the securing of the works through a suitable highway legal agreement is acceptable to the Highway Authority and should be conditioned. Concern has been raised over increased traffic on Waterloo cross. Straitgate is proposing that 172 movements per day will result from the importation of materials an average of 18 additional movements per hour to that already consented. This is a 2% increase in traffic on the A38 from the counts undertaken and is in planning terms less than significant. There has been no testing of the capacity at Waterloo cross as the applicant has suggested that the less than 5% significance considers the increase to be a non-material impact. Previous transport assessments for consented development in Willand have indicated that there is spare capacity in the junction, and the Highway Authority accept this position. The Highway Authority would advocate that the works are undertaken prior to the importation of material from Straitgate as to construct the road may give rise to a road closure and require traffic to use Broad Path for a two-way operation while it is constructed and such a condition will minimise the impact of the temporary arrangement on residents.

- 3.13 DCC Historic Environment: no objection. Comment that the area subject to this planning application has previously been disturbed by quarrying activity, as such, the scale and situation of this development will not have an impact upon any known heritage assets.
- 3.14 County Councillor: Councillor Radford is the local member for the application site, and commented that a condition should be imposed requiring that Clay Lane is widened for two-way traffic should importation of material be allowed and that this was referenced during the minerals plan application. The applicant has also indicated their willingness to co-operate in making this alteration before any importing taking place at Houndaller/Hillhead Area.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. Further advertising through the above procedures was conducted following submission of additional environmental information request under Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011: Direction under Regulation 22 – Requirement to provide additional environmental information.
- 4.2 The applicant held a public exhibition advertising the application prior to submission to the Mineral Planning Authority and the application was communicated to the established local liaison group.
- 4.3 As result of these procedures at the time this report was printed there has been one letter of objection received. This objection raised concern that the additional deliveries at the weekends would cause disruption to the peace and enjoyment of their garden. A copy of the representation is available to view on the Council website under reference DCC/3945/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3945/2017>

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as Mineral Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 Devon Minerals Plan (adopted February 2017)

Policies M1 (Spatial Strategy); M11 (Steady and Adequate Supply of Land-won Aggregates); M12 (Land-won Sand and Gravel Supply); M13 (High-specification Aggregates); M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact); M20 (Sustainable Design); M21 (Natural

Resources); M22 (Transportation and Access); M23 (Quality of Life) and M26 (Cumulative Effects).

5.3 Mid Devon Local Plan 2013-2033 (adopted July 2020)

Policies S1 (Sustainable development priorities); DM2 (Renewable and low carbon energy); DM3 (Transport and air quality) and DM4 (Pollution)

5.4 Other materials considerations include:

- Devon Local Aggregates Assessments;
- National Planning Policy Framework; and
- Planning Practice Guidance.

6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of the proposed development are highways and traffic issues and residential amenity.

Highways/Traffic Issues

6.2 Policy M22 (Transportation and Access) of the Devon Minerals Plan requires that, within geological constraints, mineral development should minimise the distance that minerals are transported while maximising opportunities for sustainable transportation. Consideration of the strategic and local road network is necessary given the increased number of movements associated with this application. Concern was raised through the liaison group regarding the in-combination effects with other permitted developments in the area. The applicant was asked to revise the Transport Assessment to take onboard this analysis of this junction.

Volume of Traffic

6.3 The application is accompanied by a Transport Assessment. The maximum number of vehicle movements generated as a result of this proposal is confirmed to be 86 loads per day, or 172 movements per day. This is in addition to the existing vehicle movements associated with the consented day to day working of Houndaller Quarry Complex which is provided as 82 per day, or 164 movements per day, as confirmed in the Transport Assessment submitted with the ROMP in 2018. Output from the quarry is restricted by the capacity of the processing plant, and the applicant has confirmed that working will be on periodic basis; as a result, the two sites (i.e. Houndaller and Straitgate Farm) would not be worked simultaneously.

6.4 Information was requested from the applicant to clarify that assessment has considered of the local road network, specifically the impact on the Waterloo Cross junction. It was confirmed that traffic associated with approving this application would represent an increase of 2.44% on the A38 and the Waterloo Cross junction. This increase would not represent a significant adverse impact on the capacity of the junction roundabouts or the associated

slip roads, and no improvements are required as a result of approving the application. It is noted that no objection has been raised from National Highways and the Highways Authority.

- 6.5 The widening of Clay Lane will mitigate the increase in traffic on the Broad Path junction should this application be approved. The associated Straitgate Farm application is intended to be subject to a condition that “no material for processing shall be exported from that site until such time as the road improvement at Clay Lane...has been completed and approved by the MPA and is open to all traffic”. This condition will ensure that the two-way traffic improvements on Clay Lane are delivered and will protect the Broad Path junction against an unacceptable risk in terms of safety and volume of traffic at the junction.

Routeing

- 6.6 All inbound traffic, both mineral and waste, currently turns off the A38 onto Clay Lane. Waste traffic then turns left at the Houndaller crossing point and heads east towards Viridor’s weighbridge. From there, waste traffic previously crossed Broad Path, tipped and re-emerged onto Broad Path heading north back up to the A38, prior to the cessation of landfilling at the site.
- 6.7 Vehicles heading for the concrete products factory and bagging plant continue down Clay Lane, around the southern end of the processing plant site area and turn right down a private road. Laden vehicles leave site via the private road to Broad Path and back up to the A38.
- 6.8 The applicant acknowledges that an amendment to the routeing of vehicles leaving Hillhead Quarry will be required so as to avoid the use of the A38/Broad Path junction by HGVs. In order to facilitate the movement of vehicles into and out of the access point at Clay Lane, improvements are being implemented to the internal layout.

Residential Amenity

- 6.9 Policy M23 (Quality of Life) of the Devon Minerals Plan, together with Policies DM4 (Pollution) and DM3 (Transport and Air Quality) of the Mid Devon Local Plan, seek to protect the quality of life for local residents and require that applications should demonstrate that noise and air quality impacts will be strictly controlled to prevent significant nuisance to properties close to the site or its transportation routes.
- 6.10 The nearest properties to the processing plant site are Hillhead Farm and Hillhead Cottage, both located within 100 metres to the west of the processing plant site. To the south east of the site within 600 metres is Ashley Close, a cul-de-sac of 36 properties on the edge of Uffculme village. There are a further 4 residences currently impacted by the HGV emissions from the existing traffic routing agreement located on the Broad Path junction. Once the road widening improvements place on Clay Lane these properties will have a reduced impact.

Noise and Dust

- 6.11 The processing site at Hillhead is controlled by an environmental scheme which addresses mud, dust and noise. This was approved under in the review of planning conditions in 2019 and offers modern environmental controls. The scheme outlines permissible levels in terms of noise and dust, including monitoring procedures and suppression measures, and also outlines the complaints procedure. It is also noted that the operators hold a quarterly liaison group meeting attended by the local parish councils, the Mineral Planning Authority and other relevant parties by which complaints can be raised. It is considered that the existing scheme provides acceptable protection in terms of noise and dust emissions and that the importation of material from Straitgate will not undermine these measures.

Working Hours

- 6.12 The existing planning permission contains working hour restrictions on the operation of the processing plant, which are 0600 to 2200 hours Monday to Friday; 0600 to 1800 hours Saturday; and no working on Sundays, bank or public holidays. These restrictions would also apply for the processing of minerals imported to the site.
- 6.13 It is intended that the associated Straitgate Farm application will be subject to a condition relating to the hours for delivery of material. It is considered that this restriction on Straitgate Farm adequately protects neighbour amenity in terms of disturbance by the delivery of material to Hillhead Quarry.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The planning balance in this case is a matter of considering the environmental impacts of the proposal set against the “great weight” given to the extraction of minerals, and their processing, in the NPPF.
- 7.3 The mitigation offered by the applicant in terms of improving the access to the processing site by widening Clay Lane is likely to offset and manage the predicted impacts of the proposed development in accordance with the requirements of Policy M22 and this mitigation is reflected in the final comments of the statutory consultees.
- 7.4 It is therefore recommended that planning permission should be granted subject to the conditions set out in Appendix I.

Mike Deaton
Chief Planner

Electoral Division: Willand & Uffculme

Human Rights Act

The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol and Article 6 may be affected. The proposals have the potential to introduce impacts of noise, dust, visual impact and a continuation of haulage within the local area where the magnitude of impacts are generally assessed as minor. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources. Members will need to consider whether these benefits would outweigh the potential impacts.

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

Room No: 120 County Hall

Tel No: 01392 383000

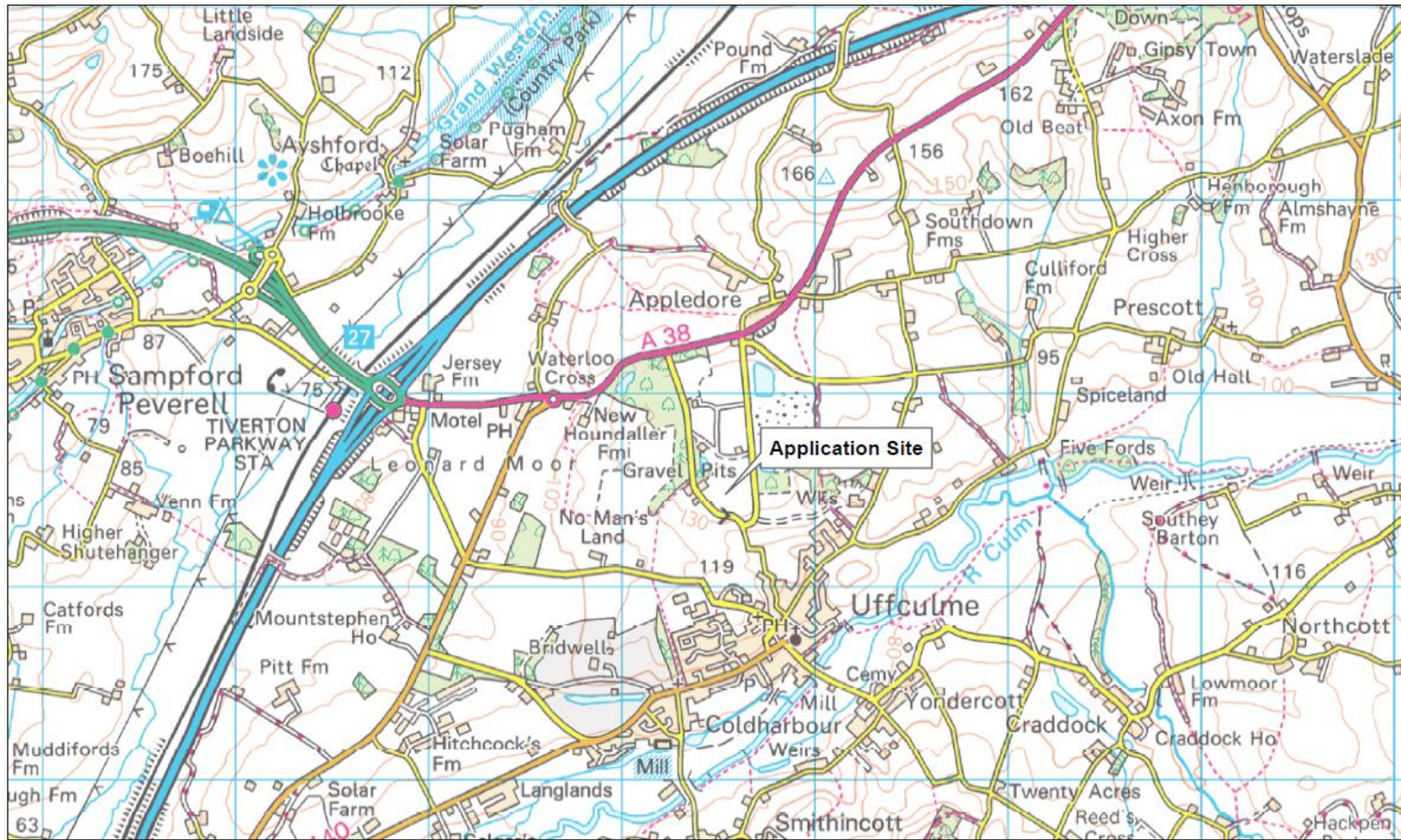
Background Paper
Casework File


Date

File Ref.
DCC/3945/2017

cp280921dma
sc/cr/Importation of as raised sand and gravel from Straitgate Farm into Hillhead
Quarry Uffculme
02 221121

Location Plan



	Report of the Chief Planner	Development Management Committee	<i>date</i> October 2021	<i>scale</i> 1:25,000
		County Matter: Mineral Development: Mid Devon District Council: Importation of up to 1.5 million tonnes of as raised sand and gravel from Straitgate Farm into Hillhead Quarry for processing		Application No: 17/00398/DCC

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission. Written notification of the date of commencement of any works on the site deemed to implement the consent shall be sent to the Mineral Planning Authority within seven days of commencement.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

HIGHWAY IMPROVEMENTS

2. There shall be no importation of material/s from Straitgate Farm for processing until such time as the road improvement at Clay Lane, Broadpath as approved by Permission 18/01/0174/DCC (DCC/4067/2018) has been completed and approved by the MPA and is open to all traffic.

REASON: To ensure that the impacts of increased HGV traffic are mitigated at the processing destination in the interests of the amenity of local residents and the safety of the local highway network in accordance with Policies M22 (Transportation) and M23 (Quality of Life) of the Devon Minerals Plan.

ORIGIN OF MATERIALS

3. There shall be no importation of materials to the site from Straitgate Farm other than as raised sand and gravel.

REASON: To minimise the atmospheric release of greenhouse gases resulting from distance travelled by HGVs in accordance with Policy M20 (Sustainable Design) of the Devon Minerals Plan.