



Report of the Director of City Development

Executive Board

Date: 19th December 2007

Subject: Deputation to Council on 29th October 2007 regarding Britannia Quarry, Morley by Mr A Slingsby of 7 Rein Road, Morley, Leeds, LS27 0HZ

Electoral Wards Affected:

Morley South

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

Executive Summary

Britannia Quarry in Morley is a long established sandstone quarry which produces cut stone and aggregate products for nationwide projects. The site is located relatively close to residential properties as the quarry was established before many of them were constructed.

The current access from the site is onto Rein Road, which whilst an A class road (A6029), is relatively narrow and runs through a residential area. Some years ago the quarry also used to utilise an access onto Howley Park Industrial Estate but the landowner is not willing to permit use of this route at the current time.

Complaints are received intermittently from a limited number of residents, relating mainly to dust emissions in the drier, summer months and mud being tracked onto the public highway in the wetter, winter months.

Regular monitoring of the site is carried out by several Council Departments. No formal enforcement action has been taken against the operator during the last 12 months.

The site will continue to be monitored on a regular basis by officers of the Minerals & Waste Group.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to respond to the deputation made to Council on 29th October 2007 by Mr A Slingsby.

2.0 Background Information

- 2.1 This deputation to Council was made as a follow up to the previous deputation by Mr Slingsby on 13th September 2006.
- 2.2 Britannia Quarry operates under a 1992 'renewed' planning permission in which potential noise and dust impacts are controlled by conditions referring to 'Best Practicable Means' which was the standard approach in the early 1990s. The enforceability of this approach was challenged in the mid 1990s on the grounds that it was imprecise and it is widely recognised that such conditions are extremely difficult to enforce.
- 2.3 The company operating the quarry were prosecuted by Highways Enforcement on 15th June 2006 under the Highways Act 1980 for the deposit of soil or refuse on the public highway. However, since the prosecution, officers have continued to monitor the condition of the highway on an ad hoc weekly basis and they report that the situation has improved considerably and no further incidents have occurred that have warranted action being taken.
- 2.4 A review of the planning permission conditions was submitted by the operator in February 2007 as required by the Environment Act 1995. It is expected that the new conditions which will be imposed on the planning permission will be determined in early 2008. Note, the updated conditions cannot adversely prejudice either the economic viability of operating the site or the asset value of the site to an unreasonable degree.

3.0 Main Issues

- 3.1 The main concerns of Mr Slingsby are that i) dust escapes from the quarry and quarry vehicles in dry weather; ii) HGVs use the established quarry access onto Rein Road where he resides and; iii) poor standard of road sweeping by the Council along Rein Road. The deputation is similar in content to that previously submitted in 2006 and considered in the Executive Board report of 18th October 2006.

Response

- 3.2 There have been relatively few complaints relating to the operation of the quarry over the last 12 months. One complaint was received regarding the working hours of the quarry in January 2007 and there have been sporadic complaints from a small number of residents concerning dust or mud on the public highway.
- 3.3 It is disappointing that residents feel the need to remark that the Council are "feebly reluctant to exercise their powers" in light of the previous action taken against the operating company when it was considered expedient to do so. Officers have always stipulated that the Council will not hesitate to prosecute again if problems reoccur. This was again reiterated at a recent meeting with residents and Councillor Elliott.
- 3.4 An officer from the minerals and waste team has visited the site to investigate all complaints – wherever possible within 24 hours of them having been received.

Officers have also made a significant number of unannounced inspections and monitoring visits during the last 12 month period. No breaches of planning were identified where it was considered expedient to take enforcement action against the operating company on any of these occasions. For information, within the last 12 months, visits have been carried out by a member of the minerals and waste team on the following dates:- 6th Dec & 20th Dec 2006, 9th Jan, 10th Jan, 11th Jan, 17th Jan, 31st Jan, 5th Feb, 6th Feb, 21st Feb, 8th Mar, 16th Mar, 21st Mar, 24th Apr, 1st May, 30th May, 18th Jun, 19th Jun, 22nd Jun, 17th Aug, 30th Aug, 4th Sep, 7th Sep, 12th Sep, 25th Sep, 3rd Oct, 4th Oct and 6th Nov 2007.

- 3.5 As stated in the previous Executive Board report of 18th October 2006, under the Environment Act 1995, quarry operators are required to submit proposals to update old mineral planning permission conditions every 15 years. The review for this site was due on 17th February 2007 and a scheme was submitted on 16th February 2007 for the Council's consideration.
- 3.6 The review has yet to be determined due to additional information being requested from the applicant. The deadline for the provision of this information is currently 31st January 2008. Discussions are also being planned with the landowner to discuss future access arrangements for the quarry. It has been explained to Mr Slingsby and other residents that the main reason for the delay in the determination of the Mineral Review is to enable officers to explore the possibility of the landowner allowing the operator to use the Howley Park Industrial Park access.
- 3.7 Under the suggested conditions, the operating company propose to hard surface the quarry haul route from the weighbridge up to where the track meets Rein Road. The track is currently unmade with a loose aggregate surface. A condition could be imposed to require these improvements to be implemented within 6 months of the determination of the conditions. It is expected that the surfacing of the access route, together with the relocation of the wheelwash towards the bottom of the quarry, will improve the existing situation considerably.
- 3.8 Mr Slingsby complains that some wagons leave the site unsheeted. There are no conditions attached to the current planning permission which require loads to be sheeted. If residents witness debris falling off any vehicle then this is a potential offence under the Road Traffic Act and the police should be contacted. Officers have not witnessed any aggregate HGVs leaving the site unsheeted over the last 12 months but have requested the site operator to ensure that they monitor the situation closely to ensure that all such vehicles carrying aggregate are sheeted prior to leaving the site.
- 3.9 Dust monitoring is also referred to in Mr Slingsby's deputation. A dust monitor was installed in the area around Rein Park but was subsequently removed at the request of residents due to it attracting anti-social behaviour. The new mineral review conditions will require the quarry operators to undertake dust monitoring on a regular basis.
- 3.10 Mr Slingsby again refers to the relocation of the wheelwash, as previously mentioned above. Until August 2007, the wheelwash was located at a point less than 100 metres from the Rein Road access. In this position, it was found that the vehicles did not dry off sufficiently before reaching the public highway and sometimes minor staining occurred to the road surface. During a period of dry weather, when it was considered appropriate not to use the wheelwash, it was relocated to a position nearer the base of the quarry and near to the office block. Wagons now have around 400 metres to drive before reaching Rein Road and once this road is properly surfaced and able to be swept, this should prevent any residue

reaching Rein Road. The location of the wheelwash near the offices also means that wagons can be more tightly controlled by the operators of the quarry.

- 3.11 Mr Slingsby questions why the Council cannot insist on the use of the Howley Park Industrial Estate access rather than the Rein Road access. It is unfortunate that the landowner has so far not permitted the quarry company to use the industrial access as this would remove many concerns of local residents along Rein Road. The planning permission allows use of both accesses but without the landowner's consent, it would be impossible to insist upon the use of the Industrial Estate access.
- 3.12 The deputation provides a lengthy summary of the historical use of the quarry and the accesses used by Rein Road and Britannia Quarries. It is clear that the Howley Park Industrial Estate access was used by quarry vehicles for a time from the mid 1970s to the early 1990s, but the Rein Road access is considered to be the primary access for the site. Although the information contains interesting points, the current planning permission issued in 1992 dictates that both accesses may be used for quarrying operations. Only upon the commencement of waste importation to the site must wagons use the Industrial Estate access. In the meantime, officers will continue to liaise with the site operator and landowner in an attempt to find a mutually beneficial outcome to this issue.
- 3.13 Mr Slingsby also remarks that the street sweeper drivers' rotas generally coincide with the day that the bins are placed out for collection, thus meaning they cannot clean the footpath satisfactorily in his opinion. This has been discussed with officers in City Services and it has been confirmed that every effort will be made in the future to avoid timetabling waste collection and road sweeping for the same day.

4.0 Implications For Council Policy And Governance

None.

5.0 Legal And Resource Implications

- 5.1 This report has no specific legal or resource implications.

6.0 Conclusions

- 6.1 The site is currently considered to be operating in an acceptable manner. It is, of course, impossible for officers to be present on the site at all times and therefore officers can only report the site conditions as they witness them. However, the site has been afforded a high frequency of visits over the last 12 months and no significant breaches have been recorded. Indeed, it has been noted that there has been a considerable improvement in site conditions over the last 12 months and officers will continue to work with the operator to ensure the quarry operates in accordance with the conditions attached to the mineral planning permission.

7.0 Recommendations

- 7.1 The site will continue to be monitored on a similar frequency to other minerals and waste sites within Leeds. Where breaches of the planning permission are identified, enforcement action will be taken where it is considered by officers expedient to do so.