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## Report of the Director of Development

### Executive Board

Date: 18<sup>th</sup> October 2006

**Subject: Deputation to Council on 13<sup>th</sup> September 2006 regarding dust in Rein Road, Morley associated with Britannia Quarry, operated by Woodkirk Stone (the company)**

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**Electoral Wards Affected:**  
Morley South

**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)

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## EXECUTIVE SUMMARY

- a) Britannia Quarry is a significant employer in Morley and its products are used nationwide. New operators only took control of the site in March 2005 after the previous operators called in the Receiver. The quarry is not suitably located with respect to nearby housing and would not obtain planning approval nowadays.
- b) The basic problem is that the main access/egress for the quarry is onto a road which is residential in character. The quarry operator is not being allowed by the landowner to use a more suitable access onto Howley Park Road East.
- c) The record of inspections and enforcement demonstrates that legislation is enforced with success where a demonstrable breach can be shown.
- d) The minerals periodic review for this site in 2007 should see the modernisation of the planning conditions and some additional preventative measures with respect to dust. However it is unlikely that standards can be raised so high the problem will simply disappear, unless goods vehicles carrying aggregate and possibly cut stone also can be switched onto the industrial estate.

## 0.0 Purpose Of This Report

- 0.1 To set out details of the occurrence of dust in the external environment at Rein Road and the action the council has taken to mitigate this.

## 1.0 Background Information

- 1.1 At the council meeting of 13<sup>th</sup> September a deputation was heard concerning dust nuisance in Rein Road, implicating the stone quarry in the creation of this dust.
- 1.2 Britannia Quarry operates under a 1992 renewed planning permission in which dust and noise are controlled by the standard approach of “Best Practicable Means” prevalent at the time. The enforceability of this approach was thrown into confusion in the mid 1990s on the grounds it is imprecise.
- 1.3 Under the Environment Act 1995 quarry operators are required to submit new planning conditions, updated to comply with the latest Government advice. In respect of this quarry this submission is due by 17<sup>th</sup> February 2007 at the absolute latest. (15 years Minerals Review). Many local residents are aware of this

## 2.0 Main Issues

- 2.1 The central issue is whether dust is escaping from the quarry and from quarry vehicles to the extent that it causes a nuisance to local residents and whether there is anything the council can do about this, and if so, whether such action is being taken.
- 2.2 The deputation referred to the complaints of other residents of Rein Road which have been received in at least three departments; Minerals Group in Development, Environmental Health in Neighbourhoods and Housing and Highways Enforcement in City Services. There is a new housing development behind Rein Road, between it and the quarry, [allowed on appeal], from which dust complaints are not received. It would seem therefore that the effect of dust is felt mainly in relation to quarry traffic, which is mainly lorries carrying aggregate.
- 2.3 The concerns of residents are :
- \* that officers appear “confused” as to who should take action.
  - \* that lorries are not using the wheelwash at the quarry
  - \* that every so often stone falls off a lorry
  - \* that there is a lack of clarity as to who enforces the Road Traffic Act (the Police or the council).
  - \* that councillors and officers are not attending the liaison meetings with the quarry operators.
  - \* that quarry vehicles should access the quarry via Howley Park Industrial Estate and thus the traffic should not be using Rein Road.
  - \* that residents feel the footway should be cleaned more frequently

## 2.4 Response

- 2.5 There have been very few complaints to council officers about dust, considering this last summer has been one of the driest. When it became apparent the summer would be dry visits by the minerals enforcement officer were stepped up [ 5<sup>th</sup>/3, 10/7, 21/7, 7/8, 17/8 19/9 ]. The operators have been found largely in compliance with the approach of best practicable means. The internal road needs repair but that is all. A small amount of dust was found to be created but did not appear to be escaping from the quarry.
- 2.6 The crusher at the site requires an authorization for dust suppression and is inspected by the EHO. They have visited the site on several occasions. In one instance the dust suppression equipment had failed and some dust was escaping from the quarry. The operators immediately stopped the machine and took action to dampen everything down. Residents have been advised there is no case for action based on Statutory Nuisance.
- 2.7 The company was prosecuted by City Services on 15<sup>th</sup> June 2006 under S.151 of the Highways Act 1980 for depositing mud on the highway. The company was fined £1800 plus costs of £682.64.
- 2.8 A new wheelwash at the site was installed in March at the request of the Minerals Officer as it was felt that the existing wash did not meet the best practicable means test. The wash is for the removal of mud. All drivers are instructed to use the wash but inevitably a few ignore this. Mud on the road dries to dust. Signs have been erected instructing drivers to use the wheel wash on exit. In dry weather this will make a negligible difference to the situation. The company has spent £30,000 on a JCB Loadall 526S sweeper-water bowser due to be delivered imminently
- 2.9 The planning approval allows the quarry traffic to use Rein Road, as this has been used for a long time historically. There is indeed another potential route into the quarry from the Industrial Estate. The operator has a lease on the quarry but not on the 4 metres of private road between the quarry and Howley Park Road East.
- 2.10 There is no formally constituted or arranged liaison committee for the site. Irregular meetings have taken place attended by at least one ward councilor, the minerals officer, operators and up to three residents. The onus is on councilors and the operator to convene the meetings.
- 2.11 Lorries carrying aggregate are required by law to be sheeted. If something has fallen off on to the highway then this is an offence under S.22A of the Road Traffic Act. [Stones in fact usually fall onto the road after being trapped between the double rear tyres]. Such an occurrence was reported to the Police who enforce the RTA on 7<sup>th</sup> April 2006. Rein Road is subject to an Order preventing through travel by heavy goods vehicles. So quarry vehicles are the only ones in Rein Road normally.
- 2.12 Lastly, the footways in Rein Road are cleaned by mechanical sweeper on a 3 weekly rota. The success of this is partly influenced by the footway being unobstructed. Over the summer there have been additional sweeps following requests by Cllr. Judith Elliott, who said that the sweeps were needed due to dust from quarry traffic.

### **3.0 Implications For Council Policy And Governance**

3.1 None

### **4.0 Legal And Resource Implications**

4.1 The report has no specific resource implications.

### **5.0 Conclusions**

5.1 Complaints are investigated as and when they are made. The quarry company has been prosecuted this year, which is evidence that when there is a demonstrable breach of the law full enforcement action is taken. There may appear to be confusion because a different legal test has to be applied in different circumstances and this is done by different officers. The new operators have responded well to pressure this year by installing a new wheel wash and ordering equipment for dampening down material liable to liberate dust.

5.2 A submission of “modernized” planning conditions is due by February 2007. These conditions will have to take into account the current land use planning approach to dealing with dust arising and dust suppression.

5.3 The use of Howley Park Road East for all aggregates traffic would certainly alleviate conditions in Rein Road.

### **6.0 Recommendations**

6.1 To note the information in this report.