
MOOR END SOUTH

PROPOSED MINERALS DEVELOPMENT

Crosland Moor

Johnsons Wellfield Limited

MARCH 2017

Planning Statement



LICHFIELDS

EST 1854
**JOHNSONS
WELLFIELD**

Moor End South Planning Statement

Johnsons Wellfield Limited

23 March 2017

LICHFIELDS

Contents

1.0	Introduction	1
	Planning Supporting Statement	1
	Proposed Development	1
	The Applicant	1
	Pre-Application Advice	1
	Public Consultation	2
	Environmental Impact Assessment	2
	Application Submission	2
	Structure	3
2.0	Site and Surroundings	4
	Site Location	4
	Site Description	4
3.0	Proposed Development	5
	Background Context	5
	Description of Development	5
	Summary	9
	Operational Context	9
4.0	Need	11
	Introduction	11
	Need in the Policy Context	11
	Resource, Operational and Economic Need	12
	Local Design and Development Need	14
	Locational Need	15
	Need for Multiple Working Faces	16
	Economic Need	17
	Conclusion	19
5.0	Planning Policy Context	21
	National Planning Policy Framework	22
	The Development Plan	27
	Emerging Planning Policy	30
	Summary of Main Policy Issues	33

6.0	Planning Assessment	35
	The Need for the Development	35
	Appropriate Use of Land	36
	Design	37
	Amenity	37
	Transport and Highways	38
	Landscape and Visual	38
	Noise	39
	Air Quality	39
	Heritage and Archaeology assets	40
	Hydrology, Hydrogeology and Ground Conditions	40
	Ecology	41
	Summary	41
7.0	Assessment of Planning Balance	42
	Summary	44
8.0	Conclusion	45

Appendices

Appendix 1: Kirklees Council Pre-Application Response

Appendix 2: Drawings/Figures Reference

1.0 Introduction

- 1.1 This Planning Statement has been prepared by Lichfields on behalf of Johnsons Wellfield Limited and accompanies a minerals planning application for the extraction of mineral with reclamation to agriculture (the Scheme) from Land at Moor End South, Crosland Moor, Huddersfield (the Site).
- 1.2 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Statement considers the application's conformity with the Development Plan, national planning policy, and other relevant material considerations.

Planning Supporting Statement

- 1.3 The purpose of this Statement is to provide Kirklees Council (KC) in its capacity as the local planning authority (within whose administrative area the site is located) with all necessary information to assess and determine the proposal within the context of relevant national and local planning considerations, as well as any other material considerations relevant to the development of the Application site (Site).

Proposed Development

- 1.4 Full planning permission is sought for:
- 'Extraction of Mineral with Reclamation to Agriculture from Land at Moor End South, Crosland Moor, Huddersfield.'*

The Applicant

- 1.5 The Myers Group including its subsidiary Johnsons Wellfield are the leading national supplier of natural stone products. Johnsons Wellfield has been producing natural stone products in the Kirklees area continuously since around 1850 from its base at Crosland Hill. Johnsons Wellfield has a national reputation for the manufacture of premium quality masonry, architectural and construction natural stone products from stone won from Crosland Moor.
- 1.6 The Myers Group is a major employer within Kirklees, with a workforce of some 350 employees of which 100 are directly employed in the manufacture of hard Yorkstone products. Through indirect employment to its own suppliers and subcontractors, many of whom operate in the local area, the Myers Group makes a significant contribution to the local economy.

Pre-Application Advice

- 1.7 Kirklees Council has provided formal pre-application advice to the applicant in accordance with the Council's procedures. Pre-application meetings have been held with the Council on the following dates:
- 17th March 2016
 - 12th October 2016
 - 2nd February 2017
- 1.8 At the meeting in March 2016, the applicant and members of the consultant team met with planning officers at KC to engage initial high level discussions regarding the emerging proposal. Officers advised at that stage that it was likely that the application would need to be accompanied by an Environmental Impact Assessment (EIA).

1.9 The meeting in March was followed up in May 2016 by informal pre-application discussions with technical officers at KC based on the preliminary information which was available at that time. Following the informal pre-application discussions, it was agreed that formal pre-application proceedings would be engaged once there was sufficient detail to present for officers to take an initial view on the merits and potential issues of the Scheme. This stage was reached in September 2016, and consequently the formal pre-application meeting was held on 12th October 2016.

1.10 The applicant team attended the KC Strategic Planning Committee on 8th February 2017 and presented details of the pre application scheme.

1.11 KC's formal pre-application response letter dated 14th February 2017 is to be found at Appendix 1 of this Statement.

Public Consultation

1.12 The applicant has undertaken a programme of engagement with the local community and key stakeholders.

1.13 A public exhibition, advertised locally was held at Crosland Hill on 20th October 2016, with invitations sent to residents of South Crosland and local ward members. Kirklees officers have kept ward members updated throughout the design stage to keep them and the wider community informed on the progress and nature of the emerging Scheme. The applicant has however has maintained communication with neighbouring residents to help answer any questions they may have and respond to issues raised through the design of the Scheme.

1.14 To assist in explaining the Scheme further, Johnsons Wellfield and relevant members of the technical team have met local residents at their homes and at Crosland Hill offices to further discuss questions that have been raised, the scheme and its design. This feedback has been considered by Johnsons Wellfield in preparing its submission.

1.15 Further details of the public consultation undertaken can be found in the Community Consultation Report (see Appendix A3 of the ES Technical Appendices).

Environmental Impact Assessment

1.16 At the inception meeting with Kirklees officers held on 17th March 2016 it was agreed that a planning application for the development scheme would need to be supported by an Environmental Impact Assessment (EIA). A technical consultant team began to prepare baseline information to inform the design of the scheme and support the production of an Environmental Statement (ES) in May 2016. This was undertaken in liaison with the relevant statutory consultees including officers at KC.

1.17 An EIA Scoping Report was submitted to KC in October 2016 (see Appendix A2 of the ES Technical Appendices) to assist it in forming an EIA Scoping Opinion under Regulation 13 of the Town and Country Planning (EIA) Regulations 2011 (as updated).

1.18 KC issued its formal Screening and Scoping Opinion on 2nd December 2016 (see Appendix A1 of the ES Technical Appendices). An ES accompanies this application which reflects the topics and scope of assessments agreed with KC.

Application Submission

1.19 The scope of this application is based upon written pre-application advice received from officers at KC and comprises the following:

- Planning Application form and Ownership Certificates;
- Planning Statement
- Environmental Statement and Technical Appendices
- Non-Technical Summary

Structure

1.20 The remainder of this Statement is structured as follows:

- Section 2.0 – Site & Surroundings;
- Section 3.0 – Proposed Development;
- Section 4.0 – Need;
- Section 5.0 – Planning Policy Context;
- Section 6.0 – Planning Assessment;
- Section 7.0 – Assessment of Planning Balance;
- Section 8.0 – Conclusion.

2.0 **Site and Surroundings**

Site Location

- 2.1 The Application site (hereafter referred to as ‘the Site’) is located to the south-west of the Crosland Moor airfield runway, some 350m to the east of Blackmoorfoot Reservoir, at National Grid Reference SE10811308. The village of South Crosland is located 100m to the east of the Site boundary, and Blackmoorfoot Reservoir approximately 0.5km to the west. The Site more generally sits some 4.5km to the west of Huddersfield and 2km to the south of settlements located along the route of the Colne Valley as shown on Figure D1, Site Location Plan.
- 2.2 The Site is bordered to the west by Arborary Lane; the south by Whitehead Road and to the north by other land not forming part of the site to the south of Intake Lane. These connect with the principal highway to the north, Blackmoorfoot Road.

Site Description

- 2.3 The Site (shown edged red on Figure D2) comprises agricultural land which is subdivided into 8 fields by dry stone walling which run north to south and east to west across the Site. The Site extends to an area of approximately 23.5ha. The Site is within agricultural cultivation and primarily is used for grazing sheep and cattle. The site is also harvested for silage. Other land within the control of the applicant is identified on Figure D3 (Ownership Boundary Plan).
- 2.4 The land generally falls from west to east, with a high point of 250m AOD at the west of the site, falling to a lowest point of 220m AOD in the east. Beyond the Site, levels to the east continue to fall towards South Crosland as shown on Figure D4 (Topographic Site Survey).
- 2.5 There are no trees within the Site. The Site is crossed by two over- head power lines. A 33 kV routes passes along the eastern periphery of the route and an 11 kV route passes east to west within the north of the Site as shown on Figure D4.
- 2.6 The Site is accessed from a number of locations by gated agricultural access points. To the east, an unmade byway; Turbid Lane provides access direct via a walled entrance way to the northern parts of the Site. From here access can be obtained to the wider site via five bar gated openings. To the west, direct access may be obtained from either of two gated openings onto Arborary Lane.
- 2.7 A number of public rights of way are located in the vicinity of the Site; at the eastern boundary of the site, Turbid Lane is designated as a public byway (ref: HUD/229/40), and two public footpaths terminate on Arborary Lane to the west of the site (refs: MEL/8/10 and MEL/8/20).

3.0

Proposed Development

Background Context

- 3.1 This application seeks full planning permission for the extraction of approximately 1 million tonnes of sandstone mineral over a 20 years term, enabling the winning of ashlar sandstone block for processing to high quality architectural building products, together with non ashlar by-products such as riven flagstone, walling stone and aggregate. The Site will be restored progressively to agriculture using only soils, overburden and spoil stripped from the site. The Scheme will provide direct employment for 10 skilled operatives including 8 new jobs.
- 3.2 Johnson Wellfield currently operates two sandstone block extraction sites, both located on Crosland Moor (Figure D21 Johnsons Wellfield Site Locations). These sites are known as the Airfield and Thewlis Lane extraction sites. The two sites are necessarily worked in parallel so as to provide the variety of block and working faces required to meet customer requirements.
- 3.3 The Airfield site is now close to exhaustion with reserves of block likely to run out within the next 18 months (2018). Moor End South is intended to replace the Airfield site so as to provide continuity of availability of a similar quality of stone block.
- 3.4 The Moor End South site will operate alongside the existing Thewlis Lane minerals extraction operation until Thewlis Lane is exhausted of its mineral. Two sites are operated in parallel because Thewlis Lane produces a premium quality block which is used only for the higher quality customer requirements, whereas Moor End South (and the preceding Airfield working area which it will replace), produce a stone block of a very good but variable quality, but still very much important in providing the quality of stone required for other quality end uses.
- 3.5 Planning permission for Thewlis Lane runs until December 2025. If a replacement site for the Thewlis Lane extraction site is not forthcoming, then Johnsons Wellfield will solely rely on the resource available at Moor End South to meet all its raw material needs.
- 3.6 Johnsons Wellfield must therefore operate at least two minerals extraction sites in parallel to obtain the necessary range in sand stone block to meet end product and customer requirements. Johnsons Wellfield is unable to obtain the stone block it requires from other sources because permitted reserves of the quantity and quality required, available exclusively to Johnsons Wellfield do not exist and secondly, other operators (who produce block stone from a differing geological horizons) are competitors. In these circumstances Johnsons Wellfield would not be able to provide customers with the guarantee of a long term availability and consistency of resource which underpins their demand for Johnsons Wellfield's premium architectural masonry products.

Description of Development

- 3.7 A full description of the Development can be found within Chapter D of the accompanying ES, however a summary is provided in the following section.
- 3.8 The design of the operational Site provides three main working phases, with each phase of extraction subdivided into individual stages. Other land has been made available for new Site access arrangements with perimeter land reserved for overburden and soil storage also forming a continuous screen bund. Figure D5 (Site Boundary and Phasing Plan) sets out the principal design features of the scheme.
- 3.9 The Scheme has been designed primarily to address the following environmental considerations: amenity; transport; landscape and visual; noise and vibration; air quality; soil;

mineral resource and drainage considerations, together with the efficient and winning and sustainable use of the stone extracted. The Scheme does not rely on the importation of any materials to achieve the reclamation proposed. Overburden and spoil excavated during the course of extraction will be used in the reclamation of the Site. This material will naturally bulk-up in being placed enabling the original site profile to be recreated.

- 3.10 The Scheme necessarily provides for restoration to an equivalent standard of agricultural pasture to that existing prior to development being undertaken with the added benefit of biodiversity improvement during the course of the development. Following restoration, the Site will revert back to agricultural pasture and is likely to be sold to local farming interest(s) and farmed into perpetuity.

Phased Working of the Site

- 3.11 The Site will be worked in three main phases which broadly sees the site worked in a clockwise direction from the north east with the working and restoration area of a size of approximately 4 ha at any one point in time.

1 Phase 1 (Site East)

Stages 1 to 3 constitute the preliminary stages of development as shown on Figures D6 to D8. These stages include the preparation of the mitigation screen bunds in readiness for stone extraction in Stage 4 (as shown in Figure D9). Screen bunding to screen the development from local viewpoints varies height between 2m at the northern boundary to 7m adjacent to the junction of Turbid Lane with Madgin Lane. The existing dry stone walls will be progressively removed and the stone resources stored on site for re-use during the restoration of the Site.

During Stage 2 of working, a screen bund will be erected within the central spine of the site which will serve so as to screen views to the Phase 2 working from South Crosland to the east when this Stage comes forwards.

Upon the completion of extraction and restoration in Stages 4 and 5 (as shown on Figure D10 and D11) an enhanced screening bund will be created within the central spine of the Site. With this in place, the screening bund to the eastern boundary with Turbid Lane will be removed, revealing the restored landform and reconstructed boundary dry stone walling.

2 Phase 2 (Site West)

Stages 5 to 7 are the sequential stages of working and restoration in the Phase 2 area as shown on Figures D10 to D12. The works include the provision of screening bunds 2.5 m high. As works progress, continuing restoration and construction of dry stone walling will be undertaken, using the dismantled dry stone walling, stored on site for this purpose.

3 Phase 3 (Site North)

Stage 8 involves the working of the Phase 3 area following which Stage 9 will achieve final restoration.

- 3.12 The approach to phasing ensures that those areas closest to South Crosland village are worked and restored earliest in the programme with extraction taking place to the depth of the proven deposit.

- 3.13 Blasting will not be undertaken, since this renders the stone unusable for dimension stone purposes. Minerals extraction will be undertaken using mobile plant. The stone bedding is naturally fissured; therefore the extractive process simply relies on levering blocks of stone away from the working face by hydraulic excavator. The stone is then loaded on to an awaiting

haulage vehicle for transport to the product manufacturing facility at Crosland Hill (located off Thewlis Lane).

- 3.14 On average some 240 tonne of stone block per day will be exported from the Site to a maximum of 500 tonnes per day depending upon customer orders and capacity within the product manufacturing facility at Crosland Hill. The maximum heavy vehicle generation from the site will be 26 return movements per day. The Site will be restored progressively to agriculture using only soils, overburden and spoil stripped from the site.
- 3.15 The Scheme design makes specific provision for new surface water drainage infrastructure which will be installed to the site perimeter. On the east of the site, depending on location, surface water will be shed towards either the water trough arrangement adjacent to Goose Butts House, off School Hill, or further to the south to the existing drainage arrangement at the junction of Madgin Lane and Whitehead Road. Surface waters within the Site itself will drain by percolation into the base of the minerals working. The Site will be worked dry.

Processing and Manufacturing Capabilities

- 3.16 Following extraction, sandstone block is transported to JWL's product manufacturing facility at Crosland Hill. Here JWL operates one of the country's best equipped and most highly sophisticated stone working plants. Significant recent investment in the latest robotic technology and computer aided design manufacturing control systems complement the traditional diamond and shot sawn cutting processes to provide ultimate flexibility in product manufacture.

Figure 3.1 Stone block storage, cutting and product design.



Restoration and Aftercare

- 3.17 As each part of the Site is reclaimed and restored with the placement of soils stored throughout the site, these areas will be grass seeded using an appropriate and agreed grass seed mix commensurate with the intended after use of agricultural pasture. A small area on the eastern

periphery that will act as a natural soakaway for surface water drainage, much as it does at present.

- 3.18 The alignment of the dry stone walls will be rebuilt following placement of all overburden, replicating the original field system, thereby protecting the historic characteristics of the farmland and enclosure pattern.
- 3.19 The restoration strategy of recreating agricultural pasture with drystone walling replicates the pre working arrangement which is considered to be the best approach to the design of the restored site.
- 3.20 A detailed aftercare programme will be developed in liaison with KC and implemented upon the agreement once soils have been placed. The term for each phase of aftercare will be 5 years. It is anticipated that a planning condition will be imposed which will control this aspect of the development and is therefore not expanded upon further at this stage.

Mitigation Measures

- 3.21 The Scheme has been designed with mitigation incorporated into its proposals for working, screening, restoration and all operational considerations. Johnsons Wellfield has listened to the comments made by local residents and has designed the proposal to satisfy the technical standards which will be applied in ensuring local amenity is not harmed.

Formulation of a Local Liaison Group

- 3.22 Johnsons Wellfield as a local neighbour will apply good working practice throughout the life of the development and is therefore keen to maintain a close working relationship with local residents. Johnsons Wellfield therefore proposes that a Local Liaison Group be formulated comprising local representatives and Johnsons Wellfield to ensure there is put in place working lines of communication with all interested parties.

Community Benefit

- 3.23 The Scheme will provide social economic benefits to the locality as well as within the wider Kirklees area as is described further within the submission. Johnsons Wellfield is mindful of the concerns that have been raised by some local residents with respect to the proposed development and has been determined to present a quality Scheme which safeguards local amenity. Johnsons Wellfield will make available its resource to undertake the maintenance of existing community facilities local to the site as reasonably proposed and agreed through the Local Liaison Group forum. In addition Johnsons Wellfield is willing to consider the provision of opportunities for working experience for local people.

Permissive Footpath

- 3.24 In conjunction with the development Johnsons Wellfield will create a permissive footpath which provides connectivity between public rights of way which take the course of Turbid Lane and Arborary Lane. The permissive route will provide a link between Turbid Lane in the east to rights of way which allow access towards Blackmoorfoot Reservoir. The route the permissive path will take is shown on Figure D20. This will be beneficial to local users since it will help walkers take alternative routes to Whitehead Road which it is understood can be difficult to use when vehicles pass by.

Summary

- 3.25 In summary, the proposed development has been designed taking account of environmental considerations, good design, feedback from local residents and statutory consultees. The Scheme is presented with benefits and includes proven mitigation measures to ensure development can take place without harm.

Operational Context

- 3.26 The following section describes the wider operational context on Crosland Moor and in particular current arrangements and the steps it is now proposed to undertake to accelerate the reclamation of unrestored areas at the Airfield site, in conjunction with the development of Moor End South.
- 3.27 Johnsons Wellfield's operational centre is located off Blackmoorfoot Road in Crosland Hill. This site houses the company's offices, manufacturing capabilities, and maintenance and product storage yards. Adjacent to this centre of operations are the current and now restored mineral working areas. The active mineral working areas are the Airfield site (located some 570 m to the west of Sandy Lane and south Blackmoorfoot Road), Waterholes (located some 270 m to the south of the Crosland Hill centre), and the Thewlis Lane minerals working site (located immediately to the east). The location of each of the sites is shown on Figure D21. Existing measures are in place through extant planning permission which control the timeframe for working and restoration each of the sites.
- 3.28 Moor End South will introduce a new working area to Crosland Moor, therefore Johnsons Wellfield wish to offer commitment to timeframes to restore exhausted areas in conjunction with the development of Moor End South. As a responsible operator Johnsons Wellfield attaches great importance to safeguarding and improving the local landscape through the early restoration of its working areas following the completion of extraction.
- 3.29 The Thewlis Lane minerals working operation is in its early stage of working with development to be completed by 31st December 2025 (reference planning permission 2013/62/90793/W0). The reclamation of this site is dependent upon the importation of shale extracted from the Airfield working area.
- 3.30 The Airfield minerals working site which is some 6 ha in extent is permitted to operate until 2025 (permissions: 2003/62/91691/W0; 2009/70/93289/W0; 2015/90640). The site produces both stone block and (siltstone) shales. With reference to Figure 22, the active area may be subdivided into three stages of operation.
- 1 Area A is used for the stockpiling of shale;
 - 2 Area B is now exhausted of stone block, but is yet to be worked for shale;
 - 3 Area C is presently being worked for stone block and is yet to be worked for shale.

Airfield Area A

- 3.31 By the end of 2018, the shale stockpile located within area A will be wholly removed and temporarily located within the Waterholes void. Thereafter this area will be restored to the agreed restoration profile and by the end May 2019 this area will be soiled and seeded.

Airfield Area B

- 3.32 The unworked shale reserve will be extracted and exported from this area by the end of 2020. Area B will be reclaimed by the end of 2021 with soiling and seeding completed by the end of May 2022.

Airfield Area C

- 3.33 The extraction of useable blockstone will be completed by the end of 2018. Shales will be extracted with reclamation complete by the end of 2024, with soiling and seeding completed by the end of May 2025.
- 3.34 The completion of minerals extraction at the Airfield site will be phased with the commencement of minerals extraction from Moor End South, to ensure a seamless continuity of block supply to the Crosland Hill manufacturing plant. To minimise the extent of unrestored land within the Crosland Moor area, Johnsons Wellfield undertakes not to enter in to the Phase 2 area of Moor End South until the restoration works at the Airfield site have been completed.
- 3.35 The mechanism for implementing this commitment will be through a Section 106 obligation tied to the grant of planning permission for the Moor End South development.
- 3.36 In summary, Johnsons Wellfield as a responsible operator is committed to reducing the active footprint of the Airfield working area, undertaking phased restoration within an agreed timeframe.

4.0 **Need**

Introduction

4.1 This section of the supporting statement identifies the need for the Scheme.

Need in the Policy Context

4.2 The adopted Kirklees UDP describes how a steady supply of minerals is essential to meet the needs of society and underpin economic activity, and also notes that the local dimension stone industry is of regional significance (paragraphs 6.1 and 6.2). Policy M1 states:

'Proposals for mineral extraction, which should include measures for restoration and after-use of the site, will be considered having regard to:

- (i) the impact on the environment including water resources and best and most versatile agricultural land;*
- (ii) the impact on residential amenity and highway safety; and*
- (iii) the needs of business and industry'*

4.3 Policy M3 adds that mineral extraction applications *'should be accompanied by sufficient information to demonstrate that such unacceptable impacts would not result or could be controlled and to demonstrate the presence of the mineral'. 'Whenever proposals would result in unavoidable adverse impacts on local amenity or the environment, they 'should be accompanied by information to demonstrate the need to extract the mineral as well as the absence of more suitable alternative sources of supply'.*

4.4 The release of land for minerals working where an operator needs more than one operating unit is addressed in UDP paragraph 15.3 which states:

'The release of allocated sites will be linked to a demonstrated need for the mineral and, in general, permission will only be granted when an operator's remaining permitted reserves are approaching exhaustion. In exceptional circumstances when it can be demonstrated that there is a need for more than one source of mineral to be worked at the same time to accommodate specific production requirements the council will consider granting an operator more than one permission'.

4.5 The emerging Kirklees Local Plan (2016) (Paragraph 15.7) comments that: *'the blockstone produced in the western side of the district represents some of the highest quality building stone in the UK and is used for facing civic buildings and major private sector developments throughout the UK and therefore satisfies a national need...This stone is vital to the success of local building projects and to enable construction projects in conservation areas and on listed buildings to be completed'.*

4.6 The National Planning Policy Framework (NPPF), confirms that *'minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.*

4.7 The NPPF confirms that (paragraph 144), *'when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction,*

including to the economy. The NPPF also recommends that planning authorities recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites’.

- 4.8 National Guidance provides that ‘*the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as: need for the specific mineral; economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure)*’.
- 4.9 The Governmental Office of the Deputy Prime Minister commissioned a report published in 2004 by Symonds Group Ltd, titled Planning for the Supply of Natural Building and Roofing Stone in England and Wales. This report highlighted “*need for positive action to encourage both the continued operation of existing building stone quarries, and the opening of new quarries where appropriate, by ensuring that no unnecessary burdens are placed upon them by the planning system.*”
- 4.10 The report also highlights that the dimension stone sector of the minerals industry is very different from the aggregates sector, but that it is the latter that receives most of the publicity surrounding minerals and that this tends to colour the public’s overall picture of the industry. National minerals planning guidance acknowledges the key difference in these two parts of the industry and distinguishes between these two disparate sectors.

Resource, Operational and Economic Need

- 4.11 The need for stone reserve from Moor End South arises from several different but specific types of need. These are as follows:
- 1 Need for Mineral Reserve. This relates to the need to maintain supply of block stone to Johnsons Wellfield’s manufacture of architectural and engineered building stone products.
 - 2 Local Design and Development Need. This is the need for local stone for local development.
 - 3 Locational Need. This relates to the need to secure minerals reserve in the outcropping geology.
 - 4 Need for multiple Working sites. This relates to Johnson Wellfield’s need for availability of differing grades of stone block won from two or more working faces within the local Rough Rock outcrop.
 - 5 Economic need for working of minerals reserve from the Site.

Need for Minerals Reserve

- 4.12 The Myers Group and its subsidiary Johnsons Wellfield are a long established UK market leader in hard Yorkstone product manufacturing.
- 4.13 To maintain its market position, Johnsons Wellfield continues to make significant investment exceeding £1million per year in the implementation of advanced technology and workforce training which ensures its position as the UK market leader. Johnsons Wellfield intends to continue this level of investment annually over at least the next ten years, providing it has access to the necessary permitted reserve. This level of investment needs to be underpinned by certainty of supply of stone for the production of building and architectural products, upon which it bases its national reputation.
- 4.14 That certainty arises out of a proven permitted minerals deposit with the character and quality of stone reserve available over the long term necessary to meet customer requirements. The

confidence required to sustain this business could not be sustained were it the case that Johnsons Wellfield had to rely on the acquisition of stone block from a competitor or from sources outside the control of the company

- 4.15 Figure 4.1 below provides illustration of the advanced technology in which JWL has invested and continues to invest in order to maintain its leading market position.

Figure 4.1 Robotic masonry and stone saw technology at Crosland Hill



- 4.16 The existence of this long standing local business is however wholly underpinned by its ability to source, win and work local hard Yorkstone from its own long term permitted reserves. The stone must exhibit necessary variety of colour, texture, and appearance and bed height to meet product and customer requirements, but can only be worked from locations where there is an available competent unconstrained resource.
- 4.17 Using state of the art technology, JWL is the supplier of choice for hard Yorkstone architectural and construction materials, particularly where its products are used in the conservation and restoration of high profile nationally important buildings and their settings. There are numerous examples of the application of JWL products throughout the UK, including more locally where new development reflects historic usage of hard Yorkstone as evidenced in the local vernacular and landscape.

Products and End Uses

- 4.18 The need for the stone is reflected by the pedigree of the projects to which the stone has been specified both locally and nationally. The project examples are many, but a selection of these is set out below:

Local Uses:

- 1 Paving at St Georges Square, Huddersfield Railway Station;
- 2 Huddersfield University 'flagship' Oastler Building;
- 3 Kings Gate Shopping Centre, Huddersfield;
- 4 Wm Morrison Supermarkets Head Office Bradford;

- 5 Sheffield Railway Station Fountain Artwork;
- 6 Huddersfield University Business School, Firth Street;
- 7 Former Cooperative Building, Castlegate, Huddersfield.

National Applications:

- 8 Paving at the National Cenotaph, Whitehall London;
- 9 Paving to the Victoria and Albert Museum Gardens;
- 10 Paving to the Thames Embankment, London;
- 11 Paving at Hay's Galleria, London;
- 12 Conservation works at Westminster Hall, London;
- 13 London's Goldsmith Centre; and,
- 14 Birmingham University's Bramhall Music Building.

Figure 4.2 Illustration of uses of Crosland Moor Stone



Local Design and Development Need

- 4.19 The general character of the towns and villages of Kirklees is typified by stone built properties (Kirklees Local Plan paragraph 14.7 of the publication draft local plan – Strategy and Policies). The Kirklees UDP (UDP) and the emerging Kirklees Local Plan (PLP), highlights the importance of good design integral to which is the appropriate use of building materials be this for building construction or reflecting the setting and local vernacular. To enable designers and developers to meet design objectives, local building stone must continue to be made available.
- 4.20 UDP Policy BE 1 highlights the importance of good quality design which contributes to a built environment which creates or retains a sense of local identity. Furthermore, 'the design of new

buildings should respect any traditional character the area may have, and attention should be paid to the choice of materials paragraph (UDP paragraph 4.8) . The UDP also notes ‘Several essential features of the local building tradition can be identified. The use of local stone... and the built form of the older settlements reflect the availability of building materials and the historical development of the textile industry ... many settlements, both urban and rural take the form of stone built properties closely following the hillside contours.. (UDP paragraph 4.8a). The need for building materials which ensure new development is in keeping with existing buildings is reinforced by emerging PLP policy PLP24 which requires good design by ensuring ‘ extensions are subservient to the original buildings are in keeping with existing buildings in terms of .. materials.’

- 4.21 Further ‘Good quality hard and soft landscaping should be an integral part of the design of all but minor developments... Hard landscaping can include the surface treatments for footpaths...walls or other boundary features. (UDP 4.9).
- 4.22 UDP Policy BE2 requires that new Development should be designed so that it is in keeping with any surrounding development in respect to design and materials. Those materials in many cases will include local natural stone materials. This is reinforced by policy BE 5 which concerns development in Conservation Areas. Proposals for buildings should respect the architectural qualities of surrounding buildings in these areas. Kirklees has over 4,500 listed buildings within and beyond conservation areas.
- 4.23 UDP Paragraph 5.13 provides that Floor space and Street furniture often make a vital contribution to the appearance of a conservation area. Traditional stone, or in some cases brick, surfaces and layouts should be retained whenever possible, or reintroduced where there is historical evidence for them. In particular where there is a tradition of rectangular slab paving. The adopted and emerging Development Plan documents therefore highlight the importance the availability of local stone plays in good design for new properties and repair of existing buildings which reflect the local vernacular of towns and villages in the Kirklees area.

Summary

- 4.24 Johnson Wellfield’s stone products are specified for use on prestigious schemes throughout the UK. With state of the art technology (aspects of which are unique to the company) and highly skilled workforce, Johnsons Wellfield is able to meet customer requirements by offering an almost limitless product range.
- 4.25 The masonry and architectural products manufactured by Johnsons Wellfield are renowned both locally and nationally reflecting the reputation of Kirklees’ manufacturing capabilities. The continued availability of stone reserve from Crosland Moor is fundamentally important for the continued investment in the business and the manufacture of those products and making these available to meet local development needs.

Locational Need

- 4.26 The adage ‘minerals can only be worked where they are found’ is synonymous with all minerals development. In the case of the extraction of sand stone block, not only has the mineral to be geologically present, but also the quality of the resource must be of the requisite specification for a viable minerals operation.
- 4.27 The national importance of the minerals resource is acknowledged within the emerging Kirklees Local Plan (paragraph 15.7) which states ‘ *the blockstone produced in the western side of the district represents some of the highest quality building stone in the UK and is used for facing civic buildings and major private sector developments throughout the UK and therefore*

satisfies a national need... This stone is vital to the success of local building projects and to enable construction projects in conservation areas and on listed buildings to be completed'.

- 4.28 Johnsons Wellfield is limited in its search for suitable minerals deposit to available locations within the local Rough Rock outcropping geology within the west of the District, unconstrained by other built development. Johnsons Wellfield has undertaken a comprehensive site search programme within the geological outcrop as set out within the Alternatives reporting set out within the Environmental Statement (Appendix D1). The extent of the Rough Rock outcrop locally is shown on Figure D24.
- 4.29 The Moor End South resource will meet Johnsons Wellfield's need for a new mineral working site. The quality of the stone resource within the site is proven (as set out within Appendix D3 Geology and Resource evaluation). The site is owned by and therefore available to Johnsons Wellfield.

Need for Multiple Working Faces

- 4.30 Johnsons Wellfield need to operate a number of working faces simultaneously in order to supply its manufacturing capabilities with day to day availability of good to high quality ashlar block, displaying necessary variety of colour, texture and appearance. With a single working face corresponding to an individual minerals working site, Johnsons Wellfield need to operate at least two minerals (ideally 3) working sites in parallel in order to make the most efficient use of stone reserve available and to meet day to day product demand.
- 4.31 In managing its working reserves Johnsons Wellfield strives not to use better quality stone for the manufacture of lower specification ends uses such as walling stone. Johnsons Wellfield presently extracts stone from its Thewlis Lane working site. This minerals deposit is of very high quality and the raw resource is conserved for the manufacture of the highest quality architectural and engineered building products. Thewlis Lane is operated in parallel with the Airfield minerals working site which produces a stone with a medium specification block from which the corresponding specification of products can be manufactured. The Airfield minerals working site will become exhausted in 2018, therefore the need for new permitted reserve which presents the specification of stone required to meet this need is essential to Johnsons Wellfield operation. The commercial availability of multiple working faces within the sites operated by Johnsons Wellfield provide the range of block required to meet customer demand over the range of products that may be manufactured by Johnsons Wellfield.
- 4.32 Due to the nature of the industry and its structure, even if the quality of reserve were present, Johnsons Wellfield as a leading producer and manufacturer would never be able to secure the long term supply of stone block from a competitor organisation, more so, at a commercially viable rate. In the absence of alternative options, Johnsons Wellfield therefore needs to control its own source of supply.
- 4.33 Customer orders, particularly for nationally prestigious projects are predicated on the long term availability of minerals reserve of a particular characteristic. Customers often wish to be assured that in choosing a stone of a particular specification, they can return in the future and this stone will be available for future projects. Johnsons Wellfield therefore needs to operate at least two long life minerals sites in parallel to provide the variety of stone block required to meet customer demand, but also to ensure the best stone block is conserved for the most appropriate end use.

Economic Need

- 4.34 Johnsons Wellfield is a highly regarded player in the Kirklees economy, through the employment it provides including but not limited to: the significant investment it makes in sustaining its business; its financial contribution to Kirklees; the skills and training of employees; the prestige it brings to Kirklees in terms of quality of its products. As is set out in the following section, there is an economic need which underscores the Scheme.

Employment

- 4.35 The Myers Group is a major employer within Kirklees, with a workforce of some 350 employees of which 100 are directly employed in hard Yorkstone manufacture.
- 4.36 Through indirect employment to its own suppliers and subcontractors, many of whom operate in the local area, the Myers Group makes a significant contribution to the local economy. For each job in the 'other mining and quarrying' sector, a further 0.87 are created in the wider economy (ONS December 2014). Johnsons Wellfield therefore potentially supports a further 87 indirect and induced jobs in the supply chain and wider economy.
- 4.37 Johnsons Wellfield forecasts a 22% increase in the number of locally based employees over the next 10 years, based upon projected growth of the business. If there are no permitted reserves available to support the company's needs, then Johnsons Wellfield operation will cease to be viable, with the only option being to purchase stone from competitor organisations.
- 4.38 Johnsons Wellfield's records show that 75% of its employees have a HD postcode and therefore live locally. The overwhelming majority of these employees are based within Kirklees. The direct benefit of Johnsons Wellfield's employment is some £3 m of spending in wages each year. Whilst not all of Johnsons Wellfield's staff are involved in the physical extraction of hard Yorkstone, the businesses' entire operations are dependent on it.
- 4.39 The Scheme therefore offers the potential to safeguard up to 100 existing jobs in one of the more productive industries and across a wide range of skill levels. Two of Johnsons Wellfield's existing staff will relocate to the Site from the existing Airfield Site. The remainder of the staff employed by Johnsons Wellfield and the remainder of Johnsons Wellfield's activities are dependent upon the supply of extracted material from the Site. Operation of the Scheme would therefore support the safeguarding of jobs at Johnsons Wellfield from mineral extraction to full site restoration.

Skills and Training

- 4.40 Johnsons Wellfield is within one of the more productive industries nationally, and in comparison to the local economy has higher level of productivity. In recent years Johnsons Wellfield has made considerable investments in capital equipment and its workforce's skills and training.

Capital Investment

- 4.41 Johnsons Wellfield plays an important role in the supply chain across Kirklees and Yorkshire, with plans to grow its revenue base to £10 m by 2024. The Scheme is a key component of this growth strategy. Ensuring it has an extractable supply of hard Yorkstone is fundamental to Johnsons Wellfield's ability to provide a range of high quality products which are in demand across the UK. Retaining and supporting the future growth of Johnsons Wellfield also aligns with local economic policy.

- 4.42 To maintain its position Johnsons Wellfield invests in capital equipment and workforce skills to ensure that it is an innovative market leader. In particular, it has invested in the latest machining equipment to ensure that its hard Yorkstone manufacture process is efficient and meets the demands of its nationwide customer base. Johnsons Wellfield's manufacturing process features six axis robotic arm machines, typically used in the car manufacturing industry, and the largest five axis milling machines and lathes available in the UK.
- 4.43 The Scheme will require Johnsons Wellfield to invest more than £1.5 m in new mobile plant. This will include an excavator, bulldozer, two haulage vehicles and two site dumpers. Employment opportunities will be created across a range of skills and abilities.

Rates and Rents

- 4.44 The Myers Group as a whole contributes some £440,000 a year to the Council in rates and rent.

Economic Strategy

- 4.45 The Council published its Economic Strategy in 2014. This provides an overview of the local economy, the vision for the area and the strategic priorities. The Council's economic priorities include: innovation and enterprising businesses and workforce, skills and employment. These priorities highlight the importance of encouraging the growth of innovative businesses that can help narrow the productivity gap between Kirklees, the region and the UK.
- 4.46 The priorities also recognise that skills development will be critical to enhancing work and progression opportunities, incomes and quality of life. The Economic Strategy highlights the need to increase skills attainment at all levels, but particularly technical skills that are in demand from local businesses and required in locally important sectors.
- 4.47 High level skills are also recognised as being important to improve uptake amongst local businesses. The Scheme is vital to the retention and continued growth of Johnsons Wellfield, an important business within the local economy. Retaining and growing productive businesses, such as Johnsons Wellfield, meets the Council's and Local Enterprise Partnership's (LEP) economic objectives, as well as supporting the emerging national policy set out in the Government's Industrial Strategy Green Paper.
- 4.48 The core focus of the Industrial Strategy Green Paper is the rebalancing of economic performance and productivity growth within the UK. Supporting innovative businesses such as Johnsons Wellfield, especially in under-performing areas like Kirklees, is therefore an important objective which aligns with emerging HM Government strategy.
- 4.49 'Priority 1 – Growing Business' of the LEP's Strategic Economic Plan outlines how the Leeds City Region needs to boost business growth, productivity and investment. The Scheme directly supports this priority as it will enable Johnsons Wellfield to grow and invest in the local economy, whilst continuing its efforts to use market leading productive processes. Additionally, the LEP's Strategic Economic Plan states that ensuring a sufficient supply of minerals will be needed to sustain and support growth in housing, business and transport infrastructure.
- 4.50 As well as directly contributing towards the Council and LEP's economic objectives the Scheme will have a 'softer' role by promoting Kirklees and Yorkshire. Johnsons Wellfield's products have featured in landscaping, regeneration projects and developments across the UK. This helps to actively promote the high quality goods and services offered by Kirklees and Yorkshire, which will in turn raise awareness and demand. The Scheme would therefore allow Johnsons Wellfield to play a 'softer' role in contributing towards economic objectives.

- 4.51 If the Scheme did not go ahead then it would likely result in adverse effects on the local economy. This would in part be from the missed employment opportunities otherwise generated by the Scheme but also the risk of losing one of Kirklees' more productive and innovative businesses. It would also mean to risk losing the otherwise safeguarded 187 existing direct, indirect and induced jobs supported by Johnsons Wellfield, which would be threatened as the Scheme is vital to Johnsons Wellfield's future competitiveness. The loss of the 187 existing jobs supported by Johnsons Wellfield would be across some of the more productive industries in the economy and across a wide range of skill levels.
- 4.52 The Scheme is integral to the future retention and growth of Johnsons Wellfield in Kirklees. The Scheme has a maximum lifetime of 20 years, and its development will help Johnsons Wellfield to achieve its target to grow revenue to £10 m by 2024. This in turn will help Johnsons Wellfield to continue to invest in the local economy and workforce. Against the continuing decline and near extinction of other local manufacturing industries including textiles manufacture, safeguarding the future of Johnsons Wellfield must be placed high on the local agenda.
- 4.53 Given the significance of these aspects of need both individually and collectively, there are demonstrable circumstances that justify the need for the development proposal concerned.

Conclusion

- 4.54 In considering proposals for minerals development, policy guidance requires decision makers to take account of issues such as the need for specific minerals, economic considerations such as being able to extract resources; retaining jobs; and being able to use existing plant and infrastructure.
- 4.55 As is set out in the next section of this statement, the emerging Kirklees Local Plan recognises that blockstone produced on the western side of the district represents some of the highest quality building stone in the UK and is used for facing civic buildings and major private sector developments throughout the UK and therefore satisfies a national need...This stone is vital to the success of local building projects and to enable construction projects in conservation areas and on listed buildings to be completed.
- 4.56 As a major manufacturer of a wide product range, Johnsons Wellfield need to be able to have day to day access to a range of quality block stone. Given that the generally consistent form of block within a quarry face, Johnsons Wellfield need to operate a number of working faces simultaneously in order to supply its manufacturing capabilities day to day availability of average to high quality ashlar block.
- 4.57 There is an economic need which underscores the Scheme. Johnsons Wellfield is a notable business in the Kirklees economy, through the employment it provides including but not limited to; the significant investment it makes in sustaining its business; its financial contribution to Kirklees; the skills and training of employees; the prestige it brings to Kirklees in terms of quality of products. The Local Enterprise Partnership's Strategic Economic Plan states that ensuring a sufficient supply of minerals will be needed to sustain and support growth in housing, business and transport infrastructure.
- 4.58 Johnsons Wellfield forecasts a 22% increase in the number of locally based employees over the next 10 years, based upon projected growth of the business. If there are no permitted reserves available to support the company's needs, then Johnsons Wellfield's operation will cease to be viable.
- 4.59 The consideration of need takes a number of forms and provides the backdrop in the justification of the Moor End South proposal. Local and national planning policy highlights that

in meeting national needs, minerals are important to the national economy and that these are essential to support sustainable economic growth and quality of life.

5.0 **Planning Policy Context**

- 5.1 The purpose of this section of the planning statement is to provide an overview of the planning policy framework as it relates to the development proposal and identify the main policies which guide the consideration of the planning application. The application of policy and interaction between planning policy at the national and local level is material in the consideration of the planning application.
- 5.2 The material considerations identified, which predominately relate to matters of sustainable mineral extraction and the environment, are then addressed in the light of policy objectives with analysis provided in Section 5.
- 5.3 The Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policy and plans play an important role in determining any planning application. The underlying principles followed in the consideration of planning applications for development are a matter of established law.
- 5.4 The Planning and Compulsory Purchase Act 2004 states: (paragraph 38 (6)) “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”. This is known as the “primacy of plans principle”. Material considerations include site-specific issues (that might in effect negate the extant plan policy for that area for purely site-specific reasons) and national planning policy.
- 5.5 The consideration of proposals requires the application of planning judgement in the consideration of policies within the Development Plan. The proposal is considered against a suite of wide ranging policies found within the documents which comprise the Development Plan.
- 5.6 Compliance with policy in the Development Plan does not mean that a scheme must strictly comply with each and every policy but rather that the Development Plan has to be read as a whole and a judgment made as to whether the proposal complies with it since applications for planning permission are determined in accordance with the approved Development Plan unless material considerations indicate otherwise.
- 5.7 It is normal practice to include an assessment of policy considerations within the supporting documentation for the planning application. The development proposal is tested against policies set out within the saved policies of the adopted Kirklees Unitary Development Plan. Further account is then taken of material considerations, in particular those site- specific ones that could cause demonstrable harm to other interests of acknowledged importance.
- 5.8 Within this Planning Statement, it is not the intention to address every aspect of the guidance that could have some bearing on the proposal, but rather to identify those matters that are particularly relevant in assessing the compatibility of the proposal with key elements of the policy or guidance. The National Planning Policy Framework (NPPF) 2012 sets out the Government’s planning policies for England and replaces previous planning policy. It is a material consideration in planning decisions. The NPPF provides for a presumption in favour of sustainable development and encourages the approval of development proposals that accord with the development plan without delay.
- 5.9 This section of the report identifies the main planning policy and guidance at the national and local level relevant to the proposed development.

National Planning Policy Framework

- 5.10 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The information below provides a summary of the key NPPF themes that are of particular relevance to the consideration of this application.

Sustainable Development

- 5.11 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that there are three dimensions to sustainable development: economic, social and environmental (Paragraph 6 – 7). These three dimensions are defined as follows:
- 1 an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - 2 a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - 3 an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 5.12 The cornerstone of the NPPF is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the development which the country needs. This is encapsulated by the 'presumption in favour of sustainable development', which seeks to ensure that planning policies act as an enabler to development, rather than a barrier.
- 5.13 Paragraph 12 states: *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'*
- 5.14 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development should be seen as a 'golden thread' running through both plan making and decision taking. It adds that for decision making this means:
- 1 Approving development proposals that accord with the development plan without delay; and,
 - 2 where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - a any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b specific policies in this Framework indicate development should be restricted.
- 5.15 The current development plan for Kirklees was adopted in 1999. The plan is now 17 years old, with the policies formulated during the 1990's, and many of the saved policies it contains are now considered to be out of date. However, in relation to the last point, a footnote (no. 9) includes land designated as Green Belt as an area where specific policy indicates development

should be restricted. This effectively excludes Green Belt land from the general presumption in favour of sustainable development.

Facilitating the Sustainable Use of Minerals

5.16 Section 13 of the NPPF relates to the sustainable use of minerals. Paragraph 142 states:

*'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and **can only be worked where they are found**, it is important to make best use of them to secure their long-term conservation.'*

(Lichfields emphasis)

5.17 Annex 2 of the NPPF includes a definition of the term '*minerals of local and national importance*'. This lists a series of '*minerals which are necessary to meet society's needs*' and includes local minerals of importance to heritage assets and local distinctiveness – the sandstone which will be extracted as part of the proposed development is therefore considered to fall within this definition.

5.18 Guidance for how local authorities should determine minerals applications is given at paragraph 144. It states that authorities should, inter alia:

- 1 **give great weight to the benefits of the mineral extraction**, including to the economy;
- 2 ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- 3 ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- 4 provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances; and,
- 5 not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;

(Lichfields emphasis)

5.19 A footnote to paragraph 144 (no. 31) refers to technical guidance on minerals, published alongside the NPPF sets out how policies relating to noise, dust and particle emissions should be implemented. This guidance has since been replaced by National Planning Practice Guidance (NPPG).

Protecting Green Belt Land

5.20 Paragraph 79 of the NPPF sets out the importance of Green Belts in preventing urban sprawl by keeping land permanently open.

- 5.21 Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). Paragraph 88 advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.22 Paragraph 90 lists certain forms of development which are not considered to be inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Mineral extraction is one of these exceptions.

The Economy

- 5.23 The NPPF provides a positive approach to strong economic development. Paragraphs 19 and 20 state that:

‘...significant weight should be placed on the need to support economic growth through the planning system.

To help economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.’

Sustainable Transport

- 5.24 The NPPF considers that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

- 5.25 Paragraph 32 states:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. **Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.***

(Lichfields Emphasis)

Requiring Good Design

- 5.26 Section 7 of the NPPF relates to design. The majority of the policies within this section relate to built development, however, paragraph 58 is of relevance to this application where it notes that planning decisions should aim to ensure that developments ‘*are visually attractive as a result of... appropriate landscaping*’.

Meeting the challenge of climate change and flooding

- 5.27 The NPPF requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications (paragraph 103).

Conserving and Enhancing the Natural Environment

- 5.28 Paragraph 109 of the NPPF states how the planning system should contribute to and enhance the natural and local environment by, *inter alia*:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*

5.29 When determining planning applications, through paragraph 118, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, inter alia:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*

5.30 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account (paragraph 120). Furthermore, *‘after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990’* (paragraph 121).

5.31 At paragraph 122, the NPPF advises local planning authorities to *‘focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes’*.

5.32 In relation to noise, as described in paragraph 123, planning policies and decisions should aim to, inter alia:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and,*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions*

5.33 By encouraging good design, *‘planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’* (paragraph 125).

5.34 Paragraph 131 of the NPPF states that, in determining applications, local planning authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, and also the desirability of new development making a positive contribution to local character and distinctiveness.

5.35 Paragraph 132 states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.

5.36 Paragraph 134 adds:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'

5.37 The potential effects of a development on non-designated heritage assets should also be taken into account in the determination of planning applications (paragraph 135).

National Planning Practice Guidance

5.38 The National Planning Practice Guidance (PPG) was initially published in March 2014 and brings together many areas of English planning guidance into a new format whilst replacing a series of older guidance. It provides detailed guidance on how to apply the policies contained within the NPPF.

5.39 The PPG highlights that planning for the supply of minerals differs from other forms of development, and in particular *'minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited'*.

5.40 Further, *'working is a temporary use of land, although it often takes place over a long period of time'*

5.41 Also *'following working, land should be restored to make it suitable for beneficial after-use'*. (Reference ID: 27-001-20140306).

5.42 In terms of determining minerals applications, *'the focus of the planning system should be on whether the development itself is an acceptable use on the land, and the impacts of those uses, rather than any control processes, health and safety issues of emissions themselves where these are subject to approval under regimes'* (Reference ID: 27-012-20140306).

5.43 The principle issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:

- 1 noise associated with the operation;
- 2 dust;
- 3 air quality;
- 4 lighting;
- 5 visual impact on the local and wider landscape;
- 6 landscape character;
- 7 archaeological and heritage features;
- 8 traffic;
- 9 risk of contamination to land;
- 10 soil resources;
- 11 geological structure;
- 12 impact on best and most versatile agricultural land;
- 13 blast vibration;
- 14 flood risk;
- 15 land stability/subsidence;

- 16 internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;
- 17 impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty);
- 18 site restoration and aftercare;
- 19 surface and, in some cases, ground water issues;
- 20 water abstraction

(Reference ID: 27-014-20140306)

5.44 The PPG encourages minerals operators to 'agree a programme of work with the mineral planning authority which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational considerations over the expected duration of operations' (Reference ID: 27-015-20140306).

5.45 Specific reference is made within the PPG to building stone quarries. It states:

'Mineral planning authorities should recognise that, compared to other types of mineral extraction, most building stone quarries are small-scale and have a far lower rate of extraction when compared to other quarries. This means that their local environmental impacts may be significantly less' (Reference ID: 27-016-20140306).

The Development Plan

5.46 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.

5.47 The Statutory Development Plan for Kirklees comprises the saved policies of the Unitary Development Plan (1999). Furthermore the emerging Kirklees Local Plan is presently at Publication Draft stage. The emerging policies of the Kirklees Local Plan form part of the planning policy context also.

Kirklees Unitary Development Plan

5.48 The Kirklees Unitary Development Plan (UDP) was adopted on 1st March 1999. A number of policies expired on 27th September 2007 whilst the remainder were saved following a Direction from the Secretary of State. Paragraph 215 of the NPPF states that due weight should be given to relevant local policies in existing plans according to their degree of consistency with the policies set out in the NPPF. Regard can therefore only be had to the saved policies of the UDP during the determination of this application in so far as they are compliant with the policies contained within the NPPF.

5.49 The UDP Proposals Maps show that the site lies within the designated Green Belt. An 'Area of High Landscape Value' borders the site to the south and west, and the South Crosland Conservation Area lies to the east of the site.

Minerals Extraction

5.50 The UDP describes how a steady supply of minerals is essential to meet the needs of society and underpin economic activity, and also notes that the local dimension stone industry is of regional significance (paragraphs 6.1 and 6.2). Policy M1 states:

'Proposals for mineral extraction, which should include measures for restoration and after-use of the site, will be considered having regard to:

- i. the impact on the environment including water resources and best and most versatile agricultural land;*
- ii. the impact on residential amenity and highway safety; and*
- iii. the needs of business and industry'*

5.51 Policy M3 sets out the criteria for assessing applications for the exploration for or extraction of minerals. It states that proposals will be permitted provided that they would not:

- i. cause unacceptable detriment to landscape or local visual amenity during or subsequent to extraction;*
- ii. be materially detrimental to interests of nature conservation, cultural heritage, geological or archaeological importance;*
- iii. cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport;*
- iv. prejudice highway safety through the volume or nature of vehicle movements generated;*
- v. result in pollution of water resources or soils or the interruption of land drainage;*
- vi. cause materially significant permanent change to local rights of way networks; or*
- vii. result in permanent loss of best and most versatile agricultural land.*

5.52 Policy M3 also adds that mineral extraction applications *'should be accompanied by sufficient information to demonstrate that such unacceptable impacts would not result or could be controlled and to demonstrate the presence of the mineral'*. Whenever proposals would result in unavoidable adverse impacts on local amenity or the environment, they *'should be accompanied by information to demonstrate the need to extract the mineral as well as the absence of more suitable alternative sources of supply'*.

Green Belt Land

5.53 Policy D8 of the UDP which sets out what is considered to be inappropriate development in the Green Belt, and when very special circumstances will need to be demonstrated for development to be deemed acceptable in the Green Belt. However this policy expired in 2007, and the UDP instead refers to Planning Policy Guidance 2: Green Belts (PPG2). PPG2 has now been superseded by the NPPF, which is discussed below, and there are now no other saved Green Belt policies relevant to this application within the UDP, except for the designation of the land itself in the Proposals Maps.

The Natural Environment

5.54 The site is located 500m east of Blackmoorfoot Reservoir, which is designated as a Site of Special Scientific Interest (SSSI). As with the above Green Belt policy, Policies NE2 and NE2A have not been saved in the UDP, and reference must therefore be made to the provisions of paragraph 118 of the NPPF.

5.55 Similarly, the relevant policy to Areas of High Landscape Value within the UDP was superseded by the content PPS7 which replaced consideration of landscape quality with landscape character. Again, reference must now be made to the NPPF at paragraph 109.

5.56 However, saved Policy D1 states:

'Development proposals which would lead to a loss of valuable open land within towns or of open countryside will not normally be permitted.'

Design and Heritage

5.57 Policy BE1 stipulates that all development should be of good quality design such that it contributes to a built environment which, inter alia:

- i. *Creates or retains a sense of local identity*
- ii. *promotes safety, including crime prevention and reduction of hazards to highway users; and,*
- iii. *promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution*

5.58 Policy BE2 adds that new development should be designed so that:

- i. *It is in keeping with any surrounding development in respect of design materials...*
- ii. *the topography of the site (particularly changes in level) is taken into account;*
- iii. *satisfactory access to existing highways can be achieved; and*
- iv. *existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.*

5.59 The UDP contains policies which address the development proposals within Conservation Areas (BE5 and BE6) which is important in terms of the availability of stone for development, but not specifically with development proposals outside of but close to Conservation Areas which may have an impact on their setting. Reference must therefore be made to the relevant sections of the NPPF.

5.60 Policies BE9 and BE10 concern Archaeological considerations including the recording of archaeological assets in advance of development.

Environmental Protection

5.61 The UDP acknowledges that some uses of land are particularly sensitive to noise. Policy EP4 states:

'Proposals for noise sensitive development in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development'

5.62 Industrial developments in particular can have significant noise implications (paragraph 5.9), and Policy EP6 states:

'Existing and projected noise levels will be taken into account in considering applications for developments which are, or have potential to be, noise generators. Predictions of corrected noise levels at the boundaries of the application site should be submitted with the application'

- 5.63 The proposed development will utilise screen bunding with some landscaping to screen the development from the surrounding area. The UDP advises that the value of new planting, or site contouring, may be significantly enhanced by the application of ecological principles to the design and choice of landscaping elements (paragraph 5.28). Policy EP11 states:

'Applications for planning permission should incorporate an integral landscaping scheme which protects or enhances the ecology of the site'

- 5.64 UDP policies relating to development on agricultural land have been superseded by the relevant policies within the NPPF.

Transport

- 5.65 Section 8 of the UDP addresses transport and highways matters. Policy T10 advises:

'New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.'

- 5.66 Policies T16 and T17 relate to the impact of new development on pedestrians and cyclists. They advise that *'new development should make provision for safe, convenient and pleasant pedestrian routes...'* (Policy T16), and that *'new development schemes and highway improvements should have regard to the needs of cyclists...'*

Emerging Planning Policy

Kirklees Local Plan Publication Draft (2016)

- 5.67 KC began work on a new Local Plan in Spring 2014, and has since held Early Engagement consultations and has run a Call for Sites process.
- 5.68 Public consultation on the 'Preferred Options' stage of the Draft Local Plan was undertaken between 9th November 2015 and 1st February 2016, and consultation on the Publication Draft of the Local Plan ran from 7th November to 19th December 2016.
- 5.69 The Publication Draft Policies Map (Accepted Options) shows that the site is proposed to be allocated as a Minerals Extraction Site (ref: ME2568) in the emerging Local Plan.
- 5.70 Due to the current stage of plan preparation, at the present time only limited weight can currently be applied to the draft policies it contains.

Minerals

- 5.71 Proposed minerals planning policies are set out within Section 15 of the Publication Draft Local Plan. The release of land for minerals working where an operator needs more than one operating unit is addressed in paragraph 15.3 which states:
- 'The release of allocated sites will be linked to a demonstrated need for the mineral and, in general, permission will only be granted when an operator's remaining permitted reserves are approaching exhaustion. In exceptional circumstances when it can be demonstrated that there is a need for more than one source of mineral to be worked at the same time to accommodate specific production requirements the council will consider granting an operator more than one permission'.*

5.72 Paragraph 15.7 comments that:

*'the blockstone produced in the western side of the district represents some of the **highest quality building stone in the UK** and is used for facing civic buildings and major private sector developments throughout the UK and therefore **satisfies a national need**...This stone is vital to the success of local building projects and to enable construction projects in conservation areas and on listed buildings to be completed'*

(Lichfields emphasis)

5.73 The importance of quality of minerals resource is commented upon also within paragraph 15.7.

*A feature common to all blockstone production in this area is the difficulty encountered in predicting the presence of the high quality reserves and for this reason it is often necessary for the MPA to be flexible in allocating sites. In exceptional circumstances it **may be necessary to grant an operator permission for more than one site at any one time if it is felt that variability in supply could affect production.***

(Lichfields Emphasis)

5.74 Draft Policy PLP 36 advises that proposals for minerals extraction will be considered having regard to a range of factors. These include :

- 1 the impact on the environment including water resources and the best and the most versatile agricultural land;
- 2 the impact on residential amenity, highway safety and local heritage assets;
- 3 the impact on human health;
- 4 any cumulative effects arising from multiple impacts from individual sites and/or a number of sites in a locality.

also

Proposals to extract minerals should be accompanied by sufficient information to demonstrate that such unacceptable impacts would not occur, or could be satisfactorily controlled, and to demonstrate the presence of the mineral.'

5.75 The policy adds that the Council will support development proposals for the provision of local stone types which are specifically required to carry out heritage asset repairs within the district.

5.76 Provisions to ensure minerals developments include appropriate site restoration and aftercare proposals are included at draft **Policy PLP 37**. This provides that: *Mineral working will be permitted only where the council is satisfied that the site can be restored and managed to a high standard, the proposed restoration is sympathetic to the character and setting of the wider area and is capable of sustaining an appropriate after-use.'*

5.77 The draft policy also adds that *'mineral working will be permitted only where the proposed site restoration delivers benefits such as enhancement of biodiversity interests, improved public access and the provision of climate change mitigation'.*

Economy

5.78 Draft Policy PLP 9 outlines the Council's aims to develop a skilled and flexible workforce. It states that wherever possible, *'proposals for new development will be required to contribute to the creation of local employment opportunities with the aim of increasing wage levels and to*

support growth in the overall proportion of local residents in education or training'. This could be through specific training and apprenticeships that are related to the proposed development.

Transport

5.79 The emerging Local Plan seeks to encourage sustainable modes of travel and new proposals will be required to facilitate the needs of the following user hierarchy in accordance with draft Policy PLP 20:

- 1 Pedestrians
- 2 Cyclists
- 3 Public Transport
- 4 Private Vehicles

5.80 The same policy also requires that larger schemes be supported by Travel Plans.

5.81 Draft Policy PLP 21 relates to highways safety. It states that all proposals shall, inter alia:

- *ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;*
- *be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;*
- *take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely; and,*
- *take into account access for emergency, service and refuse collection vehicles.*

Design

5.82 Good design is expected to be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal (draft Policy PLP 24). Policy PLP 24 goes on to state that proposals should ensure that the *'form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*, and that amenity of neighbouring occupiers is protected incorporating appropriate buffer zones and screening. With respect to the use of stone the policy also states that proposals should promote good design by ensuring good design :c) *extensions are subservient to the original buildings, are in keeping with the existing buildings in terms of... materials..*

Climate Change

5.83 Flood risk issues are proposed to be controlled through draft Policy PLP 27, which advises that proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. The proposal must also *'not increase flood risk elsewhere and where possible should reduce flood risk'*.

5.84 Drainage matters are dealt with through draft Policy PLP 28, which comments that on greenfield sites, *'typical greenfield run-off rates should not be exceeded'* and there should be *'no impact on local water quality'*. It must also be demonstrated that *'the surface water management solution is designed to meet requirements over the lifetime of the development including evidence that management and maintenance arrangements have been secured to cover that period'*. This includes ensuring proposals to store water meet national standards and latest best practice.

The Natural Environment

5.85 Draft Policy PLP 30 stipulates that development proposals will be required to, inter alia:

- avoid significant loss or harm to biodiversity in Kirklees through protection, mitigation and compensatory measures secured through the establishment of a legally binding agreement;
- minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;

5.86 The Draft Local Plan notes the wide and varied landscape character of the district. Draft Policy PLP 32 comments that development proposals should be designed to take into and seek to enhance the landscape character of the area considering in particular:

- 1 the setting of settlements and buildings within the landscape;
- 2 the patterns of woodland, trees and field boundaries;
- 3 the appearance of rivers, canals, reservoirs and other water features within the landscape.

The Historic Environment

5.87 Development proposals affecting a designated heritage asset (or an archaeological site of national importance) will be expected to conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal (draft Policy PLP 35).

Environmental Protection

5.88 Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance (draft Policy PLP 51).

5.89 Furthermore, *'proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil...must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment'* (draft Policy PLP 52).

Green Belt Land

5.90 Green Belt policies are set out within section 19 of the Publication Draft Local Plan, however no specific mention is made of minerals developments within this section, and the policies largely replicate the policies outlined within the NPPF.

Summary of Main Policy Issues

5.91 In summary, based on a review of the relevant national and local policy, it is considered that the main policy themes to consider as part of this application and in relation of which a planning balance must be made are:

- 1 The overall sustainability of the proposals in relation to the three dimensions of sustainability: economic, social and environmental;
- 2 The provisions of the National Planning Policy Framework with regard paid to extant and out of date development plans;
- 3 The demonstration of need and the importance of minerals development to the local and national economy;

- 4 Consideration of needs of business and industry;
- 5 The need for good design and to ensure proposals safeguard environmental and amenity considerations, focusing on whether the development is an acceptable use of land;
- 6 Demonstration that unacceptable impacts can be controlled;
- 7 Demonstration of the presence of the mineral;
- 8 The need to extract the mineral in this location, and the appropriateness of mineral extraction within the Green Belt;
- 9 The landscape and visual impact of the development and the potential for impacts on the setting of the adjacent listed buildings and conservation area;
- 10 Consideration of the accessibility of the proposals and highway impact.

6.0 Planning Assessment

- 6.1 This section considers the overarching principle of development the consideration of environmental and heritage implications of the scheme as proposed by the planning application. The starting point in the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that the application is determined in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 6.2 The focus of the planning system is to determine whether the minerals development itself is an acceptable use on the land. This requires the consideration of a wide range of matters including identification of potential impacts of minerals development and the provision of sufficient information to demonstrate that any unacceptable impacts would not result or could be controlled.
- 6.3 This following analysis is structured as follows:
- 1 Need for the Development
 - 2 Appropriate Use of Land
 - 3 Design
 - 4 Amenity
 - 5 Traffic
 - 6 Landscape and Visual
 - 7 Air Quality
 - 8 Noise
 - 9 Cultural Heritage and Archaeology
 - 10 Hydrology, Hydrogeology and Ground Conditions
 - 11 Ecology
 - 12 Summary

The Need for the Development

- 6.4 Need is expressed in terms of permitted minerals reserve; Locational need; Design and Development need; Need for multiple working faces; and Economic need. It is recognised that minerals are essential to support sustainable economic growth and our quality of life, and it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.
- 6.5 Stone block which would be extracted from the Moor End South site is used for prestigious applications throughout the UK, including major civic buildings and in settings of historic significance, and represents some of the highest quality building stone in the country. In this regard, it is considered that the mineral meets the definition of a 'mineral of local and national importance', as defined at Annex 2 of the NPPF. Furthermore, the importance of this particular mineral is recognised at paragraph 15.7 of the emerging Local Plan, where it states that the blockstone satisfies a national need, and is '*vital to the success of local building projects and to enable construction projects in conservation areas and on listed buildings to be completed*'. It is considered that the importance of the mineral is accepted at the local and national level, and this is recognised on both national and local planning policy.

- 6.6 To maintain its market position as the one of the country's leading producers and suppliers of this quality building stone, Johnsons Wellfield recently made a significant investment of some £1million in advanced technology and workforce training. It intends to continue this level of investment annually over at least the next ten years, providing it has access to the necessary permitted reserve and allocated sandstone resource identified within an adopted Kirklees Local Plan.
- 6.7 The existence of the business is wholly underpinned by its ability to win and work hard Yorkstone sourced locally from its own long term permitted reserves, to meet customer requirements. Johnsons Wellfield needs to operate at least two working faces within the Hard Rock Yorkstone deposit, so as to provide day to day availability of good to high quality ashlar block. The Moor End South site will make a vital contribution to meeting the applicant's needs.
- 6.8 The NPPF recognises the role of the planning system in supporting sustainable economic growth, and considers that this forms one of the three pillars of sustainable development. The Scheme will directly support economic growth whilst safeguarding existing jobs and providing training opportunities.
- 6.9 The operation of the Scheme will have socio-economic effects, all of which are considered to be beneficial. There would be a beneficial impact from the 198 direct, indirect and induced jobs created and safeguarded as a result of the Scheme. This reflects the significance and importance of the Scheme to Johnsons Wellfield's position and future growth, and the importance of retaining productive and high quality jobs in the local economy. Paragraphs 19, 20 and 144 of the NPPF advises local planning authorities to give great weight to the benefits of the mineral extraction, including to the economy.
- 6.10 The general character of the towns and villages of Kirklees is typified by stone built properties (Kirklees Local Plan paragraph 14.7 of the publication draft local plan – Strategy and Policies). The Kirklees UDP and the emerging Kirklees Local Plan, highlights the importance of good design integral to which is the appropriate use of building materials be this for building construction or reflecting the setting and local vernacular. To enable designers and developers to meet design objectives, local building stone must continue to be made available.
- 6.11 UDP policies BE1, BE2 BE5 reinforce the importance of the use of the right materials for new building projects which respect the traditional character and retain the sense of local identity. The importance of the traditional local vernacular and the need maintain the traditional fabric through appropriate use of local building materials is restated in the emerging Kirklees local Plan through policy PLP24. The adopted and emerging Development Plan documents therefore highlight the importance the availability of local stone plays in good design for new properties and repair of existing buildings which reflect the local vernacular of towns and villages in the Kirklees area.
- 6.12 In summary, the need for the development will help provide a continued supply of a mineral of local and national importance, as well as help safeguard existing and provide additional jobs, skills training and investment in Kirklees. In this regard it is considered to be in accordance with policy M1 and M3 of the UDP, the provisions of the NPPF, and paragraphs 15.3 and 15.7 of the emerging Local Plan in that need for the development has been demonstrated.
- 6.13 The need for the proposed development is now.

Appropriate Use of Land

- 6.14 As acknowledged by national policy and planning practice guidance minerals can only be worked where they occur (PPG ref ID: 27-001-20140306). Johnsons Wellfield's knowledge of the reserves within the vicinity of its operations at Crosland Hill and the extensive exploration it

has undertaken demonstrates the quality and availability of the minerals deposit. It has been shown through evaluation that other site options are unavailable, constrained or not accepted due to other environmental considerations.

- 6.15 The development proposed is temporary development and when completed will result in a landform and after use which replicates the existing use of land - including the replicating alignment of drystone walling. The development and beneficial after use of the site is entirely in keeping with the locality within which it is situated.
- 6.16 The Site is owned by Johnsons Wellfield and therefore subject to the grant of an acceptable planning permission there is certainty that the development can take place, as reflected in the prospective allocation of the site for minerals development within the emerging Kirklees Local Plan
- 6.17 The Application site lies within the Designated Green Belt. Paragraph 87 of the NPPF advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. However, certain forms of development are not considered to be inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Mineral extraction is one such exception where very special circumstances do not need to be demonstrated, as long as the extraction preserves the openness of the Green Belt. The proposal is considered to preserve the openness of the Green Belt during and after the completion of restoration and therefore is compliant with policy relating to Green belt at the National and Local level.
- 6.18 As the Scheme is not inappropriate development and will not have a detrimental impact on the openness of the Green Belt, it is considered to comply with paragraph 87 to 90 of the NPPF.

Design

- 6.19 The Site working scheme itself has been designed to ensure that working will minimise the potential for impact upon the local landscape and community. This is achieved through the phasing of working, early restoration of worked out area; incorporation of screen bunding, treated to blend with the local landscape; minimising the footprint of development; installation of an integral drainage system; and the recreation of the existing pattern of drystone walling to a landform which is a reinstatement of existing ground levels. This meets the policy requirements set out in UDP policies M1 and M3 in that the design development which incorporates mitigation can be undertaken without resulting in significant adverse effects on the neighbouring environment and its setting as further detailed below.

Amenity

- 6.20 The potential for the Scheme to impact on residential and local amenity through transport movements, visual, noise, air quality and water resources impacts has been fully addressed through the design of the site. From the outset the Scheme has been designed to include specific mitigation measures which have been assessed through technical assessment and iteration where required.
- 6.21 Through the application of saved UDP policies M1 and M3, the Development Plan looks to safeguard residential amenity interests where minerals development is proposed, as does the Planning Policy Guidance PPG (Reference ID: 27-014-20140306) and paragraph 144 of the NPPF. Whilst of limited weight, draft policy PLP 36 advises that those proposals to extract minerals will be permitted providing they do not cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport.

- 6.22 The following sections address considerations which have the potential to impact on amenity.

Transport and Highways

- 6.23 The Scheme has been designed to take all vehicle movements associated with the development on a direct route on the public highway which has no need to pass through residential areas or through the village of South Crosland. A transport assessment has been undertaken which has informed the design of the Scheme. The site access has been designed in consultation with Kirklees Council to discourage any traffic travelling to or from the site which does not take this route. With the agreement of Kirklees Council, the proposed maximum vehicle flow to and from the site has been assessed to fall well within the capacity of the highway route between the Site and Crosland Hill where the stone block transported from site will be processed.
- 6.24 With road user safety in mind (vehicles, equestrian and pedestrian), the applicant has undertaken to provide passing places at regular intervals on Arborary Lane and Nopper Road to a form to be agreed by Kirklees council and is willing to provide signage to help improve road safety at the Intake Lane road junction to the north of the site. On this basis the Scheme has been assessed to have no significant adverse effects upon the public highway.
- 6.25 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highway safety or environmental problems. Paragraph 32 of the NPPF does however add that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Satisfactory access design is required by policy BE2.
- 6.26 No significant impacts are identified with the Scheme and it has satisfactory site access arrangements, therefore the Scheme accords with Development Plan policies T10A and BE2.

Landscape and Visual

- 6.27 From the outset the Scheme design has been driven by a number of factors including the need to minimise potential visual impacts from site preparation and extraction operations. A landscape and visual impact assessment has been undertaken which has informed the design of the scheme. Screening bunds have been designed to varying height from ground level depending on location and proximity to sensitive visual receptors. The effects of the 6 months' preparatory stage will be significant, albeit of short duration.
- 6.28 Screen bunds will constitute recognisable change, but when constructed will not be intrusive within the overall scene. The bunds will be grass seeded and once established, they will be grazed by sheep which will complement the existing local character.
- 6.29 An important design consideration has been to minimise the extent of open excavation and disruption of the land currently in agricultural pasture use. The adoption of three distinct Phases minimises the open footprint of the extractive and reclamation operations to approximately 4ha at any one time and will contribute to the mitigation of potential impacts. With mitigation screen bunds in place, direct views of extractive operations will be limited. Land not worked for mineral will be retained in agricultural pasture until required. Following restoration, dry stone walling will be replaced along the original alignment replicating the original field system.
- 6.30 The proposed restoration profile is directly comparable to the current topography and ensures there is no loss of open land. This represents a key positive mitigation aspect as it facilitates the restoration of the landscape character and visual amenity and ensures that there will be no adverse residual effects post restoration.

- 6.31 On this basis the Scheme is considered to accord with UDP policies M1, M3 and D1 with regards to landscape and visual amenity in that the Scheme will not cause unacceptable detriment to landscape or local visual amenity during or subsequent to extraction.

Noise

- 6.32 In designing the Scheme the applicant has considered the potential impacts of noise emissions from the working site and associated traffic movements. A noise and vibration assessment has been undertaken which has informed the design of the scheme. Noise levels have been predicted at each noise sensitive receptor for each phase of the Scheme. Noise emissions from Moor End South during initial site works are predicted to be substantially below the adopted fixed noise limit and are predicted to have a negligible impact at the nearest noise sensitive receptors.
- 6.33 Noise levels during the extraction phases are predicted to be below the relevant adopted noise limit and no significant adverse noise effects are predicted to occur. There will be no blasting at the site. The level of noise effect at the nearest sensitive receptors will vary between moderate and negligible throughout the life of the consented development. With mitigation measures in place, it is predicted that residual noise effects will not be significant.
- 6.34 Saved UDP Policies EP4 and EP6 set out how noise should be considered in decision taking. Paragraph 123 of the NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.35 Based on the assessment undertaken, it is considered that the Scheme accords with policies EP4, EP6 and paragraph 123 of the NPPF with respect to noise and vibration in that the development will not result in significant adverse noise effects for the reasons set out above.

Air Quality

- 6.36 The control of dust is a common consideration at all minerals working sites. In the case of Moor End South, Johnsons Wellfield has significant experience of effectively controlling potential dust emissions at its other local working sites and adopts a responsible approach to this.
- 6.37 A qualitative air quality assessment of construction and operational dust effects has been undertaken which reinforces the measures which have been incorporated in to the working scheme. These include both design and operational mitigation measures which include the minimisation of working area to reduce the potential for wind blow; responsible practice during windy weather conditions when prevailing wind direction is towards South Crosland and site management practice. With respect to vehicles transporting stone on the public highway, the use of water-assisted dust sweeper(s) on the access and local roads, sheeting vehicles leaving the Site, and the implementation of a wheel washing system will ensure off site dust generation is controlled.
- 6.38 The air quality assessment undertaken predicts there to be a 'negligible' to 'low' risk of dust creating nuisance and loss of amenity or human health effects before mitigation. Following the appropriate implementation of mitigation measures, impacts are predicted to be not significant.
- 6.39 As the potential for dust creating nuisance/loss of amenity or human health effects is considered to be negligible, it is considered that the Scheme accords with policies BE1 and M3, and the provisions of the NPPF and PPG.

Heritage and Archaeology assets

- 6.40 The Scheme is located 100m to the west of the Crosland South conservation area, which includes a number of listed Grade II buildings. The Scheme has been designed taking account of the findings of an assessment of heritage and archaeology.
- 6.41 The Heritage Assessment finds that the changes to the landscape as a result of the Scheme will have a low impact on the setting of the South Crosland conservation area, taking into account the proposed landscape bunding. From an archaeological perspective the evidence indicates that the Site itself has been agricultural land from antiquity onwards. There is no recorded evidence for activity, other than use as agricultural land over the Site.
- 6.42 There is no evidence for the Site to contain below ground remains of the highest significance, or of sufficient significance to warrant preservation in situ. Appropriate mitigation measures for the Scheme have been incorporated into the proposal. They comprise mitigation of the effect of the development on below ground archaeology within the Site through a programme of excavation and recording of any assets during construction of the Scheme.
- 6.43 Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is therefore considered, in the spirit of this policy provision, that the wider benefits of the Scheme outweigh any moderate and temporary harm on the setting of the conservation area.
- 6.44 It is therefore considered that the Scheme is fully in accordance with saved Development Plan policies BE9 and BE10 in that no surface or below ground archaeological features have been recorded on the proposal site but a programme of excavation and recording will be undertaken prior to development being undertaken.

Hydrology, Hydrogeology and Ground Conditions

Flood Risk and Drainage

- 6.45 The Site is shown to lie within Flood Zone 1 and as such is considered to be at low risk of flooding. With regards to overland flows, the documented flow pathways occurring within the Site boundaries are classified as low risk and are isolated and well contained, and flow away from the Site, and the risk of overland flooding affecting the Site is therefore considered to be low.
- 6.46 The design of the Scheme has specifically addressed local concerns relating to the drainage of the site and has incorporated a land drainage system which will be installed during the construction phase which will replicate the existing systems and utilise the existing outfalls from the site. The Scheme ensures that the local community facilities including a listed water trough will continue to function as intended.
- 6.47 After minerals extraction has been completed, that part of the reclaimed site will be restored to agricultural land as per the current greenfield conditions. As such, there will be no adverse impact on flood risk and water quality in the surrounding and downstream water environment during the operation of the Scheme or following restoration. It is therefore considered that the Scheme complies with paragraph 103 of the NPPF and draft policies PLP 27 and PLP 28.

Hydrogeology and Ground Conditions

- 6.48 An assessment of the effect of the Scheme on ground conditions, ground gas, and soil/groundwater contamination has been undertaken in preparing the design for the site. The site has no history of contamination or previous development. The wider context has also been

considered, in particular private water supplies in the local area where no impact or interruption in supply is predicted. In working and restoring the site including mitigation measures proposed, there is predicted to be a negligible residual effect resulting from the development.

- 6.49 The Scheme accords with UDP policies policy M1 and M3, and more generally emerging draft Policies PLP 28 and PLP 52 in that the Scheme will not lead to unacceptable impacts on surface or ground water resources and ground conditions.

Ecology

- 6.50 An Ecological Impact Assessment for the site has been undertaken, which has comprised an Extended Phase 1 Habitat Survey, and also a Habitat Regulations Assessment to ascertain the potential effects of the Scheme on golden plover associated with the South Pennine Moors Special Protection Area (SPA).
- 6.51 The Scheme would result in the loss of improved grassland/arable land intensively managed for silage production of negligible ecological value. The progressive working of the Scheme in phases would also result in the gradual loss of and disturbance to/displacement of species judged to be of low ecological value.
- 6.52 Temporary habitat creation will be instigated during the construction phase to provide a new hedgerow which is anticipated to become a habitat of low ecological value over time. After completion, restoration would result in the removal of this temporary habitat resulting in a residual minor adverse effect. This would, however, be balanced against the creation of a new soakaway feature and restoration of agricultural use. The soakaway and restoration to agricultural use is anticipated to result in a residual minor beneficial effect for species present on site.
- 6.53 The proposal accords with paragraph 109 of the NPPF, which seeks net biodiversity gains in new developments, and also policies NE3, NE4, NE5 and NE6 of the UDP.

Summary

- 6.54 This section has considered the principle of development in relation to the Scheme's location and designated land use in the adopted Development Plan, its proposed allocation in the emerging Local Plan, and the local and national policies relevant to minerals extraction.
- 6.55 There is an identified need for the mineral, which is recognised in both national and local planning policy.
- 6.56 In policy terms the site may be developed without unacceptable adverse impacts on the natural and historic environment and human health. The proposal ensures that any unavoidable noise and dust emission is mitigated and controlled at source.
- 6.57 The scheme provides for ongoing restoration throughout the duration of the development, with restoration to the landform profile and agricultural use that exists presently.
- 6.58 The Scheme exhibits good design to ensure the workings fits acceptably within the landscape whilst mitigating views in to the working area. The scheme presents positively to the local environment; provides for the release of resource which safeguarding jobs and providing economic benefit to Kirklees and Johnsons Wellfield. There will be local benefit through the retention of jobs, the provision of a new permissive right of way; biodiversity gain and other local opportunities linked to the creation of a local liaison group.

7.0 Assessment of Planning Balance

- 7.1 An assessment of the proposed development in relation to relevant planning policy and guidance has identified those issues which need to be considered as part of the planning balance. These are (not in any order of priority):
- 1 The social and economic benefits of the scheme;
 - 2 The need to maintain a steady supply of a nationally important mineral;
 - 3 The appropriateness of minerals extraction within the Green Belt;
 - 4 The potential impact of the Scheme on the amenity of local neighbours;
 - 5 The impact of the Scheme on the South Crosland conservation area;
 - 6 The potential environmental impacts of the Scheme.
- 7.2 Blockstone produced in the western side of Kirklees district represents some of the highest quality building stone in the UK which is acknowledged to satisfy a national need.
- 7.3 Johnsons Wellfield manufacture a wide a range of high quality masonry and architectural products which are specified for use in prestigious developments regionally and the throughout the UK. As such Johnsons Wellfield is an important local business within in the Kirklees local economy, with 75% of its 100 employees having a HD postcode.
- 7.4 Johnsons Wellfield plans to grow its revenue base to £10 m by 2024, and the success of this proposal is a fundamental to its growth strategy. Ensuring it has an available extractable supply of hard Yorkstone underpins Johnsons Wellfield's ability to continue to operate once its current permitted reserves of stone are exhausted.
- 7.5 Retaining and supporting the future growth of Johnsons Wellfield aligns with local economic policy and is integral to the future retention and growth of Johnsons Wellfield in Kirklees. The development of the site will safeguard 198 direct, indirect and induced jobs and enable 8 new positions to be created. The new site will also have knock-on effects on supply chain expenditure and national and local economic objectives.
- 7.6 The social and economic benefits of the proposal should weigh heavily in the planning balance. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, of which economic growth is a key tenet, and also that economic growth can secure higher social and environmental standards (paragraph 8). The NPPF also states at paragraph 144 that, when determining applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy.
- 7.7 This application has demonstrated why the existence of Johnsons Wellfield is wholly underpinned by its ability to source, win and work block stone from its own long term permitted reserves.
- 7.8 There are numerous examples of the application of Johnsons Wellfield products throughout the UK, including more locally where new development reflects historic usage of hard Yorkstone as evidenced in the local vernacular and landscape.
- 7.9 To continue to be able to supply the mineral and operate the business successfully, and given the general limitation of type of block within a quarry face, Johnsons Wellfield needs to operate a number of working faces simultaneously in order to both make best most efficient use of stone reserve available and to meet day to day product manufacturing demand. In these circumstances it is necessary to operate more than one site given variability in supply will affect production.

- 7.10 The general character of the towns and villages of Kirklees is typified by stone built properties. The development will continue to make available local building stone for local needs, ensuring new development can be undertaken in compliance with Development Plan policy in that it reflects and respects the local vernacular and settings.
- 7.11 The maintenance of buildings of local significance in the District, and the development of prestige buildings both in the local area and nationally is reliant upon the supply of high quality building stone such as that extracted and processed by Johnsons Wellfield. As a leading supplier of hard Yorkstone, it is vital that JWL has access to the mineral reserves within its control, and can operate multiple faces at one time to provide sufficient variability in supply. This need for the mineral adds to the wider economic benefits in the planning balance.
- 7.12 The other benefits of the Scheme set out within this application include the provision of benefit local to Moor End South itself. In conjunction with the restoration of the site, Johnsons Wellfield will install a permissive footpath which provides access between Turbid Lane and Arborary Lane, providing an alternative route for pedestrians who otherwise have to take routes connecting the two points on the public highway. The proposal will also provide biodiversity gain, through the provision of hedgerow planting and an area of wet ground upon the completion of restoration.
- 7.13 Johnsons Wellfield is a local business located within a local community. It recognises that new developments can cause concern and without reservation ensures it conducts its operations in a sensitive way, so as not to harm the local environment. As part of its role as a neighbour Johnsons Wellfield proposes to lend its manpower resources to agreed community maintenance schemes, as agreed through a local liaison committee which will be set up to provide a forum for local people and the company to identify and discuss matters of mutual interest.
- 7.14 The Site lies within the designated Green Belt where there is a presumption against inappropriate development unless there are very special circumstances. The NPPF states that mineral extraction should not be classed as inappropriate development provided that the development preserves the openness of the Green Belt. The Site will be worked in a phased manner in a clockwise direction from the north-east, with progressive restoration taking place, ensuring that agricultural pasture land is available as soon as restoration has been completed. It is accepted that the screen bunds themselves might become a source of visual impact and therefore they will be grass seeded to mitigate their impact. Once grassland has been established, they will be grazed by sheep which will complement the existing character of the local area and its openness. The Green Belt designation of the site therefore does not weigh against the Scheme in the planning balance.
- 7.15 The Heritage Impact Assessment has concluded that the Scheme will have a moderate temporary impact on the setting of the conservation area. In the context of Section 12 of the NPPF, this impact therefore amounts to 'less than substantial harm'. Whilst this moderate temporary harm weighs against the Scheme in the planning balance, its moderate and temporary nature does not outweigh the need for and economic benefits of the Scheme (NPPF, paragraph 134).
- 7.16 Proposals for minerals extraction can have the potential to impact on residential amenity through visual, traffic, noise, air quality and water resources impacts. Thorough technical and environmental assessments, as set out within the accompanying ES, it has been demonstrated that there will be no detrimental impacts on residential amenity or the environment and extensive mitigation measures have been put forward which will reduce any potential impacts to negligible in most cases.

- 7.17 The above technical assessments have been agreed in content and scope with the relevant consultees at KC and with relevant statutory bodies, and in each case no objections in principle have been raised at the pre-application stage, subject to the assessments being undertaken as agreed. Consequently, it is considered that there are no environmental or amenity concerns which would weigh against the proposal in the planning balance.

Summary

- 7.18 On balance, it is considered that the moderate temporary impact on the setting of the South Crosland conservation area is more than outweighed by the significant economic and social benefits of the Scheme. The accepted need for the locally and nationally important mineral further weighs in favour of the application. The potential for any adverse environmental or amenity impacts has been overcome through the careful design and mitigation proposed.

8.0

Conclusion

- 8.1 This application seeks approval for the extraction of hard Yorkstone mineral with reclamation to agriculture at land to the east of Arborary Lane/north of Whitehead Lane, Huddersfield.
- 8.2 The starting point in the determination of this planning application is S.38(6) of the Planning and Compulsory Purchase Act 2004; namely the determination of the application in accordance with the development plan policies unless material considerations indicate otherwise. In this regard the NPPF is an important material consideration.
- 8.3 The assessment and demonstration of need for the development proposal is a key part of the application to work stone from Moor End South. This is because the application will be determined in line with national and local planning policy which highlights the great weight to the benefits of minerals extraction to the economy whilst ensuring that there are no unacceptable adverse impacts to the natural or historic environment, taking into account the impacts of the development in the locality.
- 8.4 It has been demonstrated that there is need for the development spanning: need for the mineral itself; economic need; locational need and operational need. The success of the proposal is essential for the ability of Johnsons Wellfield, a significant contributor to the Kirklees economy, to continue producing masonry, architectural and construction products which Kirklees is renowned for and with justification fostering civic pride.
- 8.5 Mineral extraction is not classed as inappropriate development in the Green Belt providing it does not conflict with the purposes of including land in Green Belt. The Proposal does not conflict with this purpose.
- 8.6 Through the process of Environmental Impact Assessment, technical considerations have been addressed in designing the Scheme such that with incorporated employment, the development will not result in adverse harm. Johnsons Wellfield has made a number of proposals which are considered to be beneficial to the locality.
- 8.7 The proposal relates to providing continuity of supply which is required now allowing for the seamless transition in stone block extraction from the near exhausted Airfield working to Moor End South. The NPPF provides that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, otherwise approving development proposals that accord with the development plan without delay.
- 8.8 It is concluded that:
 - 1 There is a need for the development of Moor End South in the location chosen;
 - 2 The development will provide significant economic and social benefits, including the retention of a highly regarded local business and provision of new jobs and training opportunities.
 - 3 The development of Moor end South will not result in significant environmental effects
 - 4 No site specific material considerations have been identified that indicated that determination should not be other than in accordance with the development plan and national planning policy.
 - 5 The Scheme accords with all relevant local and national planning policy and should, therefore, be approved without delay.

Appendix 1: Kirklees Council Pre-Application Response

16 FEB 2017

Enquiries to: Glenn Wakefield

Mr J Standen
Nathaniel Litchfield & Partners
3rd Floor
15 St Paul's Street
Leeds LS12JGTel: **01484 221000**
Fax: **01484 221613**
Email: glenn.wakefield@kirklees.gov.uk
Web: www.kirklees.gov.uk/planning

Paul Kemp – Acting Assistant Director

Date: 14 February 2017

Our Ref: 2016/20220

Your Ref: 50567/JG/AJk/12268089v2

Dear Sir

PROPOSED EXTRACTION OF SANDSTONE AND SUBSEQUENT RECLAMATION TO AGRICULTURE - LAND TO THE EAST OF, ARBORARY LANE, AND NORTH OF WHITEHEAD ROAD, CROSLAND MOOR, HUDDERSFIELD

Thank you for your request for pre-application advice with regard to the above proposal.

Background

As part of the pre application advice service we have consulted the following internal consultees who would be part of the decision making process should an application be received:-

- Kirklees Highways Development Management
- Kirklees Pollution and Noise Control Team
- Kirklees Biodiversity Officer
- Kirklees Landscape Architects
- Kirklees Flood Management Team
- Kirklees Conservation and Design Team

In addition, all 6 ward members for the Netherton and Crosland Moor and Holme Valley North wards were notified.

Proposal

The proposal is for the extraction of sandstone and subsequent reclamation of land to agriculture involving the extraction of approximately 1,000,000 tonnes of sandstone from the site over a period of 20 years. The site would be worked in a series of 3 phases which would comprise 9 operational stages. This would see progressive site restoration being implemented at the earliest opportunity so reducing the extent of the disturbed footprint of the quarry.

The depth of excavations will vary depending on the location of the mineral beds but initial information suggests an average depth of 25m is likely. This is similar to the depth of workings at existing operational quarries to the north and north east of this site. The mineral would be extracted by mechanical excavators and blasting would not therefore be required.

Soils stripped from the site would be used to construct screen bunds around the perimeter of the site to prevent direct views of the quarry workings and to provide an acoustic barrier to mitigate against noise generated on site.

The proposal would include the creation of a new purpose built access point onto Arborary Lane to allow heavy vehicles to gain access and egress to and from the site and it has been indicated that in order to facilitate the supply of mineral to the nearby processing facility and to provide a degree of flexibility up to 25 loads of mineral would potentially be transported from the site per day. The mineral would be transported to an existing stone processing works 2 km away using heavy goods vehicle (20 tonne loads) via Arborary Lane, Nopper Road, Blackmoorfoot Road and Thewlis Lane.

The Site and Surroundings:

The site is located to the west of South Crosland, a designated conservation area, and within an area which is allocated as Green Belt in the Unitary Development Plan. However, the site is identified in the emerging Local Plan as a potential Mineral Extraction site (ME 2568).

The site is currently used as agricultural grazing land and occupies an area of approximately 22.8 hectares. The land concerned is bounded to the west by Arborary Lane and to the south by Whitehead Road. A track known as Turbid Lane bounds the site to the east and land adjacent to Intake Lane is situated immediately north of the site.

The topography of the site sees the land fall generally from the north and west with level changes across the site of approximately 25m from the highest to the lowest points.

The character of the immediate area is predominantly rural with isolated residential properties and farmsteads. However, the wider area includes concentrations of residential properties to the east at South Crosland and to the north east at Crosland moor. In addition, operational quarries, associated quarry infrastructure and a small operational airfield are located approximately 1km. to the north and north east of the site. Blackmoorfoot Reservoir, which is designated as a Local Wildlife Site (LWS 100), is located approximately 450m to the west

Principle of Development

Paragraph 142 of the NPPF states;

"Minerals are essential to support economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation".

Furthermore paragraph 144 indicates that, when determining planning applications Mineral Planning Authorities should;

"Give great weight to the benefits of the extraction of mineral extraction, including to the economy"

The site lies within an area identified Green Belt in the Kirklees Unitary Development Plan. Section 9 of the NPPF indicates that there is a presumption against inappropriate development in such areas unless there are very special circumstances to allow it. However, paragraph 90 of the NPPF indicates that mineral extraction is not inappropriate development within the Green Belt provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

The principle UDP policy consideration is Policy M3 which specifically relates to proposals to extract Minerals in the district and states:

"M3 proposals to explore for or to extract minerals will be permitted provided that they would not:

- i cause unacceptable detriment to landscape or local visual amenity during or subsequent to extraction;
- ii be materially detrimental to interests of nature conservation, cultural heritage, geological or archaeological importance;
- iii cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport;
- iv prejudice highway safety through the volume or nature of vehicle movements generated;
- v result in pollution of water resources or soils or the interruption of land drainage;

vi cause materially significant permanent change to local rights of way networks; or

vii result in permanent loss of best and most versatile agricultural land.

Applications to extract minerals should be accompanied by sufficient information to demonstrate that such unacceptable impacts would not result or could be controlled and to demonstrate the presence of the mineral. whenever proposals, except those involving the extraction of energy minerals, would result in unavoidable adverse impacts on local amenity or the environment, they should be accompanied by information to demonstrate the need to extract the mineral as well as the absence of more suitable alternative sources of supply."

Access and Highways

This proposal would require the construction of a new access onto Arborary Lane. Details of the proposed access have been provided on drawing 364304-MM-00-XX-DR-C-001 Rev P1.

In summary, this would involve the creation of a new priority access junction approximately 300m north of its junction with Whitehead Lane. This proposed access is designed to discourage larger vehicles from turning left. The proposed junction has 12 metre radii to the right and 6 metre radii to the left. The preferred route for HGVs is to the right towards Blackmoorfoot Road.

Whilst in principle an access in this location is not discounted, only tracking information for 10m rigid vehicles has been provided. It is recommended that as part of a subsequent planning application tracking data is provided which indicates that all heavy vehicle types likely to visit the site, including articulated vehicles required to deliver heavy plant and equipment, can safely access and egress the site at this point. This may require widening or re-designing the access to accommodate this and should therefore be considered prior to an application being submitted.

It is considered that in order to provide sufficient space for heavy vehicles to pass which meet when travelling in opposite directions on Arborary lane and Nopper Road, passing bays should be provided every 40m. It is considered that this could primarily be achieved by utilising existing road side verge areas although on certain parts of the route additional adjacent land may be required. Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 would provide a suitable mechanism to deliver this.

In terms of trip generation the Transport Statement (TS) prepared by Mott Macdonald considers two scenarios for the operation of the site.

Scenario A assumes that the minerals operator would operate the proposed Moor End South site in parallel with a second minerals extraction site to make available two to three working faces, with each face generating a differing quality of stone block. It is currently

intended that the Thewlis Lane extraction site would work in parallel with Moor End South when this becomes operational.

Scenario B considers the potential impact on operations following the Thewlis Lane site becoming exhausted after 2025. The mineral operator has indicated that they will look to bring forward a new local site to replace the Thewlis Lane site; however, if this was not possible, the mineral operator would rely on Moor End South as its sole operational unit. In this scenario, there would need to increase stone extraction output from Moor End South to maintain the required overall supply of stone to its production facility at Crosland Hill.

Scenario B would be the most onerous in terms of traffic generation from the site.

The proposed extraction of minerals in Scenario B would involve the intensification of operations at the site. In this scenario, circa 480 tonnes of extracted material would be transferred each day. Using HGVs with a 20 tonne load capacity, this will result in 24 HGVs trips to and from the production facility each day, or 48 daily HGV trips in total.

Scenario B causes concern regarding the proposed level of HGV activity this would involve on this section of the highway network. Consequently it is considered that, should a subsequent planning application be granted, it is likely this would restrict vehicle movements to those indicated in Scenario A but include a mechanism to review the number of vehicle movements in the event that Scenario B becomes a reality.

The aforementioned TS includes collision statistics for the last three years for the period ending 31 May 2016. During this period there were a total of six recorded personal injury collisions. One occurred on Sandy Lane approximately one mile east of the proposed development site whilst the remainder occurred at the crossroads junction of Nopper Road and Intake Lane. All resulted in slight injuries to the persons involved except for one where a pedal cyclist sustained serious injuries. Upon closer examination of each of the collision reports, a shared contributory factor for all these collisions is 'failure to stop / look properly' when entering the junction from either of the two minor arms Intake Lane, and Black Lane. It is therefore recommended that Accident reduction measures at the Nopper Road Intake Lane cross roads should be considered as part of any subsequent Planning application.

Your enquiry indicates that staff would park at the existing site off Thewlis lane and be transported to the proposed site and back each day. This arrangement is considered to be acceptable as it would not place any additional pressure on the local highway network.

A Public Bridleway (ref HUD/472/10) runs adjacent to the eastern side of Nopper Road for approximately 350m and connects footpaths located to the north and south of Blackmoorfoot Road to an unnamed Byway (ref HUD/229/10) via Nopper Road. This then links to HUDD/229/40 along Turbid Lane immediately to the east of the proposed site. To the west of Arborary Lane, near the proposed location of the entrance to the site, two public footpaths connect to Arborary Lane (ref MEL/8/10 and MEL/8/20) from Black Lane. None of the above routes would be directly affected by the development of the site.

However, PROWs MEL/8/10, MEL/8/20 and HUDD/229/40 are close to the site and adequate measures would need to be provided to ensure the PROWs are not adversely affected and that users of these routes kept safe. It is assumed that this would involve the provision of adequate signage and, where necessary, the provision of physical barriers to separate pedestrians from site operations. Drainage measures are also likely to be required along the eastern boundary of the site adjacent to Turbid Lane to prevent surface water draining from screen bunding along this boundary flooding the Lane.

Local Amenity

At its closest, the proposed quarry void would be approximately 100m from the nearest residential properties which are located to the north of the site. At greater distances residential properties are concentrated to the east at South Crosland, some of which gain views of the site. The site is also visible from close quarters via local PROW network and surrounding vehicular highways. Views of the site from the surrounding landscape are limited to long distance views from the south.

It is therefore important to provide supporting information which fully assesses the potential impacts that this proposal is likely to have on the amenity of the local area and any proposed mitigated to minimise any associated effects.

Air Quality

This proposal is likely to affect air quality in the vicinity of the site via the generation of airborne dust. An air quality assessment will therefore be required to support the proposal which includes proposed mitigation measures. I would expect that such mitigation should at least include the following measures:

- the provision of mobile water bowsers;
- the use of solid side boards and cloaked outlets on processing equipment;
- the use of dust filters on all fixed plant and machinery;
- the watering of all haul roads and areas lacking established vegetation during dry and windy conditions;
- the suspension of all processing and loading/unloading operations during adverse weather conditions.
- Speed restrictions on site
- A system of monitoring dust levels around the site
- A complaint reporting and recording procedure

As you may be aware a significant drive of Air Quality Policy (AQ) is to mitigate AQ issues through monetising environmental damage. What the impact of this policy and the extent of such mitigation would be with regard to this proposal will depend on the results of any subsequent air quality assessment. However, you should be aware that this may need to be addressed in a subsequent planning application.

Noise

Following a review of the information submitted with this enquiry and discussions at the pre-application meeting on 12 October 2016, it is considered that the noise assessment work carried out so far is generally satisfactory. However, there is concern that the progressive working of the site will result in high noise level work near the surface being staggered over the lifetime of the development. Whilst current planning practice guidance recognises the need for such activities, the impact of this needs to be fully considered in any noise assessment submitted in support of a planning application.

Private Water Supplies

There are a number of private water supplies in the area surrounding the proposed quarry. You are therefore advised to investigate whether any of the surface water extraction points are linked through strata to the proposed site. Information regarding water supplies in the area of the site can be obtained from Kirklees Council and I would suggest the following contact should be used:

andew.jameson@kirklees.gov.uk

Local Ecology

Section 11 of the NPPF requires that, when determining planning applications, local planning authorities should aim to conserve and enhance local biodiversity.

The grassland habitats present on site, although of low botanical value, are potentially suitable for use by foraging golden plover. Please note that existing evidence indicates that it is not possible to distinguish suitable grasslands from unsuitable grasslands, with respect to golden plover, based on diversity of botanical communities. The site is within the known foraging range of female golden plover nesting within the South Pennine Moors Special Protection Area (SPA) and the Council is also aware of records of golden plover around Blackmoorfoot Reservoir located approximately 450 m to the west of the site.

Golden plover are protected through inclusion in Schedule 1 of the Wildlife and Countryside Act 1981, but are also included in Annex 1 of the Birds Directive and a designated feature of the South Pennine Moors SPA (Phase 1 and 2). A Habitat Regulations Assessment (HRA) is therefore required to determine if the proposals will result in a 'likely significant effect' on the South Pennine Moors SPA. In this case a survey during the appropriate season is therefore required to determine if the site is used by female golden plovers (female golden plover only forage during daylight and fly much farther than male golden plover, which only forage at night).

Whilst, in principle, the restoration of the site back to an agricultural use is considered to be acceptable, it should include measures to enhance local biodiversity and habitat connectivity.

Landscape Character and Visual Impact

This proposal has the potential to have a significant impact on the character of the local landscape and a comprehensive Landscape Visual Impact assessment (LVIA) will therefore be required to support any subsequent planning application.

During the consideration of this pre-application enquiry 20 viewpoints within the surrounding landscape to support an LVIA have been reviewed and agreed with the Council's Landscape Architects.

It is suggested that some initial native hedge/tree planting along the eastern boundary of the site could mitigate views of the site from south Crosland to the east and could also help to form a green corridor between existing habitats located to the east at Dean Clough and to the south around Bank Wood.

There is currently an extensive area of disturbed land resulting from mineral extraction to the north and north east of this site. Due to the nature of these existing operations it is likely that, whilst restoration of these existing sites will take place over the next 20 years, there would be a substantial period of time without any significant restoration. It is estimated that this footprint currently occupies an area of 22ha. Paragraph 144 of the NPPF indicates that Mineral Planning Authorities should seek to provide for site restoration and aftercare at the earliest opportunity. Consequently it is essential that any supporting LVIA considers the cumulative impact associated with this proposal and the existing operational mineral workings and how this impact could be satisfactorily mitigated against.

The Council is of the view that implementing any subsequent grant of planning permission for this site is likely to be linked to securing the restoration of as much of the existing airfield extension quarry as possible. This would minimise the disturbed footprint resulting from mineral extraction in the area to a similar level as currently exists.

Local Heritage

The boundary of the proposed mineral extraction site is approximately 160m east of the South Crosland Conservation Area which contains a number of listed buildings. The conservation area can be defined as a linear plateau village, once mainly agricultural, dating from the 18th and 19th centuries. The village is surrounded by historic field patterns that in turn are fairly strongly delineated by dry stone walling and often intersected by tracks. The proposed quarry will remove these important field patterns.

The removal of the field patterns will impact upon the significance and views of the conservation area. This will have an impact which is 'less than substantial harm' as defined in the NPPF. However, this is only in the short-term bearing in mind the remediation of the site following extraction and the phasing of the works proposed.

Under Para 134 of the NPPF where less than substantial harm occurs this should be balanced against the public benefit the works accrue. Under the NPPG, public benefit can be anything that delivers economic, social or environmental enhancement as described in Para 7 of the NPPF. It is therefore essential that should a planning application follow, then this is supported by a Heritage Impact Assessment which fully considers the likely impacts on local heritage assets in the area and a Socio-Economic Assessment is provided which weighs the public benefit of the development against the potential harm caused.

Flood Risk and Drainage

The proposed development is wholly within flood zone 1, but is greater than 1 hectare; therefore a flood risk assessment (FRA) will be required. The FRA must demonstrate that the use of sustainable drainage systems and infiltration has been fully explored, along with consideration of maintenance for the lifetime of the development. The Council has no recorded incidents of flood risk within the site or the surrounding area.

Surface water flood maps show that an exceptional rainfall event may cause water to pond along the northern boundary of the site and the south-east corner of the site to a depth of up to 300mm. However, the proposed development is not within a critical drainage area.

A careful examination of the current site levels against the proposed site levels is required in relation to the eastern side of the site. Lowering of levels could introduce a greater risk of surface water flooding to this area.

There is an open watercourse recorded adjacent to School Hill, approximately 100m east of the site. There is another open watercourse recorded at the junction of School Hill and Sandy Lane, approximately 200m north-east of the site. Current and historic plans do not show these watercourse extending into the site; however, the watercourses appears to flow from the direction of the site and they may flow enclosed through part of the site. You are therefore advised to include in your supporting hydrological assessment an investigation into whether these water courses would be affected by the proposed development.

Kirklees Council is keen to promote and encourage the use of sustainable drainage systems (SuDS) in new developments. SuDS systems should be considered both for attenuation and the improvement of water quality. Storage for attenuation should cater for the 1 in 30 year critical storm as a minimum requirement. Volumes above this to the 1 in 100 year critical storm with a 30% increase in rainfall depths to allow for climate change predictions can be stored in 'safe' above ground areas. Should this prove impractical this upper limit should also be catered for in the attenuation system. Discharge rates must be attenuated to the greenfield rate of 5l/s/ha.

Community Benefit

This enquiry was presented to the strategic planning committee on 2 February 2017 for members' information. You will recall at the meeting, members were concerned to ensure that the issue of community benefit should be explored prior to the submission of a planning application bearing in mind the potential impact this proposal could have for the local communities in the area.

Potential community benefit could take a number of forms and, depending on what is proposed, could be secured via a Section 106 agreement or as a voluntary offer. Examples of community benefit which may be appropriate to consider in this case could include:

- Improvements to the local PROW network in the area
- The provision of specific training opportunities with the mineral operator
- Improvements to existing community facilities in the area

Please note that the above list is not exhaustive and that any offer made on a voluntary basis would not be a material consideration in the assessment of any subsequent planning application.

Other matters

The emerging local plan has identified this site as one which should be safeguarded as a minerals extraction site. However, at this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. This will view will change as the local plan process progresses and this should therefore be borne in mind with regard to the future submission of a planning application.

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given. You should be aware of the Council's Local Development Scheme which sets out the programme of developing its local Plan. You are advised to seek further advice once any consultation drafts are published.

Caution should be exercised in respect of pre-application advice with regard to a planning application which is not submitted within a short time of the Council's advice letter.

If you would like to discuss this matter further or you require any additional information please do not hesitate to contact me.

Yours faithfully


Glenn Wakefield
Senior Planner

Appendix 2: Drawings/Figures Reference

Figure D1 Location Plan

Figure D2 Site Boundary Plan

Figure D3 Ownership Plan

Figure D4 Topographic Site Survey

Figure D5 Site Boundary and Phasing Plan

Figure D6 The Development Scheme Phase 1 Stage 1

Figure D7 The Development Scheme Phase 1 Stage 2

Figure D8 The Development Scheme Phase 1 Stage 3

Figure D9 The Development Scheme Phase 1 Stage 4

Figure D10 The Development Scheme Phase 2 Stage 5

Figure D11 The Development Scheme Phase 2 Stage 6

Figure D12 The Development Scheme Phase 2 Stage 7

Figure D13 The Development Scheme Phase 3 Stage 8

Figure D14 The Development Scheme Phase 3 Stage 9 leading to final restoration

Figure D15 Illustrative Cross Sections

Figure D16 Drainage Strategy Phase 1

Figure D17 Drainage Strategy Phase 2

Figure D18 Drainage Strategy Restoration Scheme

Figure D19 Proposed Access Visibility Splays and Vehicle Tracking

Figure D20 Proposed Permissive Footpath

Figure D21 Johnsons Wellfield Working Areas

Figure D22 Airfield Working Area

Figure D23 Existing Surface Water Features

Figure D24 Alternative Sites

