



**Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

**NOTE: This approval should be read in conjunction with an Agreement made  
under Section 106 of the Town and Country Planning Act 1990**

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**Application Number: 2017/62/91213/W0**

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**To:** J Standen  
Lichfields  
3rd Floor  
15 St Paul's Street  
Leeds  
LS1 2JG

**For:** Johnsons Wellfield Limited

**In pursuance of its powers under the above-mentioned Act and Order the  
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning  
Authority hereby permits:-**

EXTRACTION OF MINERALS AND SUBSEQUENT RECLAMATION TO  
AGRICULTURE

**At:** LAND TO THE EAST OF, ARBORARY LANE, AND NORTH OF WHITEHEAD  
ROAD, CROSLAND MOOR, HUDDERSFIELD

**In accordance with the plan(s) and applications submitted to the Council on  
05-Apr-2017, subject to the condition(s) specified hereunder:-**

**Time Limits**

1. The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.

**Reason:** Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The extraction of all minerals, the removal of all buildings, plant and machinery and the restoration of the site for agriculture and nature conservation shall be completed by 31 December 2037.

**Reason:** To ensure the satisfactory completion of mineral extraction and the subsequent restoration of the site within an acceptable period of time and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP36 and Section 17 of the National Planning Policy Framework

### **Plans**

3. A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

**Reason:** For the avoidance of doubt and to ensure that the site is operated in accordance with the requirements of this planning permission.

4. The development hereby approved shall be carried out in complete accordance with the approved plans and supporting documents except as stated otherwise in conditions listed below which shall in all cases take precedence.

**Reason:** To enable the Mineral Planning Authority to adequately control the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site after development.

5. In the event of cessation of mineral extraction prior to the achievement of the completion of the approved scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised reclamation scheme to include details of restoration and aftercare and a timetable for implementation shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the permanent cessation of mineral extraction. The scheme shall provide for:

- a) Restoration contour drawings of the whole site based on 1 metre intervals.
- b) Replacement of stored overburden, removal of screen mounds, settlement ponds and haul road.
- c) The selective placement of all available topsoil, subsoil and soil making materials.
- d) The establishment of a grass sward.
- e) Completion of stone walled enclosures.
- f) A post-restoration drainage scheme.
- g) Location of planting species, spacing and planting methods.
- h) A time table for the implementation of the works

The approved revised reclamation scheme shall be fully implemented within the approved timetable.

**Reason:** To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP36 and Section 17 of the National Planning Policy Framework

## **Access**

6. The sole means of vehicular access to and egress from the site shall be via Arborary Lane as indicated on Plan no.D2.

**Reason:** In the interests of the free and safe use of the highway and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

7. Prior to any soil stripping operations and the export of any mineral from the site a scheme detailing wheel washing arrangements shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include adequate measures to deal with drainage from the wheel cleansing area. The approved scheme shall be implemented immediately and thereafter retained, maintained and kept available for use throughout for the duration of the planning permission hereby approved.

**Reason:** In the interests of the free and safe use of the highway and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP 21.

8. The maximum number of heavy goods vehicle trips to and from the site shall not exceed 25 inward and 25 outward in any working day.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

9. No mineral shall be exported from the site until the passing places indicated on Plan no. GIS\LE\50567\01-15 on Arborary Lane and Nopper Road have been constructed and made available for use.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 Kirklees Publication Draft Local Plan Policy PLP 21.

10. Other than to facilitate the construction of the site access, no works shall be carried out on site until the access arrangements and sight lines shown on drawing No. 364304-MM-00-XX-DR-C-0001 Rev.P4 have been implemented in full.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy and T10 Kirklees Publication Draft Local Plan Policy PLP21.

11. No development involving the stripping of soils or the export of minerals from the site shall commence until a vehicle management plan has been submitted to and approved in writing by the Mineral Planning Authority. The vehicle management plan shall include inter-alia the following

- A. On and off site vehicle/driver protocols
- B. Monitoring arrangements
- C. Incident/action procedures
- D. Details of the times of use of the access
- E. Construction workers parking facilities

The approved scheme shall be fully implemented prior to development commencing and shall be retained for the duration of this planning permission.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 Kirklees Publication Draft Local Plan Policy PLP21.

12. No development involving the stripping of soils or the export of minerals from the site shall commence until a highway maintenance scheme has been submitted to and agreed in writing by the Mineral Planning Authority. The scheme shall provide for: An initial inspection of the those sections of Arborary Lane and Nopper Road between the site access and the junction of Nopper Road with Blackmoorfoot Road prior to any development commencing; the subsequent regular inspection of the said sections of highway; and the means of carrying out any repairs identified following inspection which are directly related to HGV traffic associated with this planning permission. The development shall only be carried out in accordance with the requirements of the approved scheme.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

### **Land Stability**

13. No development involving the stripping of soils or the export of minerals from the site shall commence until a geotechnical stability assessment has been submitted to and approved in writing by the Mineral Planning Authority which assesses the potential for excavations associated with this development to cause instability in adjacent land and appropriate remediation strategies. The scheme shall include consideration of the following issues:

- a) The physical properties of the geology on site and adjacent land including details of jointing, faulting, the dip of the strata, the presence of old workings in the vicinity and the level of groundwater and perched water tables.
- b) The design of the quarry faces including the proposed overall angle of slope for each part of the quarry void, the proposed face angle and benching arrangements.
- c) The potential effects associated with backfilling the resultant quarry void and the subsequent settlement of the restored site.

Operations at the site shall be carried out in accordance with the approved scheme for the duration of the planning permission.

**Reason:** To ensure that the stability of land adjacent to this development is not adversely affected as a result of excavations and that adequate measures are taken to mitigate any potential impact and to accord with Sections 15 and 17 of the National Planning Policy Framework.

## **Working Programme**

14. No development involving the stripping of soils or the export of minerals from the site shall commence until a scheme has been submitted to and approved in writing by the Mineral Planning Authority detailing the method of constructing the screen mounds indicated on approved plan D5. The scheme shall provide for:

- a) The design, construction, and seeding and any subsequent maintenance of the screen/noise baffle mounds
- b) The inside slope of the mounds to be designed to minimise the broadcast of sound
- c) Representative Cross Sections through the proposed mounds
- d) A maintenance strategy for the prevention of weed and rank growth
- e) A detailed programme for the implementation of the works involved in the submitted scheme.

All screening mounds shall be constructed prior to the extraction of mineral from any phase of the development and shall be maintained in accordance with the approved scheme.

**Reason:** In the interests of visual amenity and to safeguard the amenities of nearby residents and to accord with Kirklees Unitary Development Plan Policies EP4 and M3 and Kirklees Publication Draft Local Plan Policies PLP 36 and PLP52 and Sections 15 and 17 of the National Planning Policy Framework

15. The site shall be worked in 3 phases in accordance with approved plan series D6, D7, D8, D9, D10, D11, D12, D13 and D14.

**Reason:** To ensure the progressive restoration of the site, to minimise the disturbed area of the site and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Local Plan Policy PLP36 and Sections 15 and 17 of the National Planning Policy Framework.

16. No mineral extraction shall take place below 200 metres A.O.D

**Reason:** To ensure the progressive restoration of the site can be completed within a reasonable timeframe in order to minimise the disturbed area of the site and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Local Plan Policy PLP37 and Sections 15 and 17 of the National Planning Policy Framework

17. A detailed scheme of mineral working and backfill operations shall be submitted to the Mineral Planning Authority 12 months after the date of commencement referred to in Condition 1 above and every 12 months thereafter until completion of mineral working and backfill. The scheme shall provide for:

- (a) a plan indicating the lateral extent, location and direction of mineral extraction to be undertaken over the following 12 months;
- (b) typical cross-sections of the extraction to be undertaken during the following 12 months including an indication of the maximum depth of excavation;
- (c) a plan indicating the lateral extent, location and direction of backfilling to be undertaken over the following 12 months to achieve proposed backfill contours;
- (d) a survey plan indicating the location and extent of mineral extraction and location, lateral extent and finished levels of backfill achieved during the previous 12 months;
- (e) details of any ancillary operations, e.g. stone splitting, hand dressing, location, duration and equipment.

**Reason:** To enable the Mineral Planning Authority to adequately control the development, minimise its impact on the amenity of the local area, ensure the beneficial after use of the site after development and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Local Plan Policy PLP36 and Section 17 of the National Planning Policy Framework

18. Every year the developer shall arrange a site meeting to be held within 1 month of the date of submission of the annual working programme to discuss the programme and to review progress to which the Mineral Planning Authority shall be invited.

**Reason:** To enable the Mineral Planning Authority to adequately control the development, minimise its impact on the amenity of the local area, ensure the beneficial after use of the site after development and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Local Plan Policy PLP 36 and Section 17 of the National Planning Policy Framework

19. From the date of this permission the operator shall maintain records of monthly production and mineral extraction, and shall make available to the Mineral Planning Authority on a 6 monthly basis the total tonnage of mineral product extracted from the permitted site within the previous 6 month period. All records shall be kept for inspection for at least 24 months.

**Reason:** to allow the Mineral Planning Authority to accurately assess the quantity of mineral extracted from the site.

20. There shall be no discharge of foul or contaminated water from the site into either groundwater or any surface waters.

**Reason:** To prevent the pollution of surface and ground water regimes and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Policy PLP36 and Sections 15 and 17 of the National Planning Policy Framework

21. In the event that it is proposed to treat drainage from the development, a scheme, detailing the measures to be employed shall be submitted to and approved in writing by the Mineral Planning Authority prior to the implementation of such measures. The scheme should examine the 1 in 10 critical rainfall event in this analysis. The treatment scheme shall be fully implemented and thereafter be retained and maintained to ensure efficient working and used throughout the lifetime of the development.

**Reason:** To prevent the pollution of surface and ground water regimes and to accord with Kirklees Unitary Development Plan Policy M3 and Kirklees Publication Draft Local Plan Policy PLP 36 and Sections 15 and 17 of the National Planning Policy Framework

### **Soil stripping and storage**

22. No development involving the stripping of soils or the export of minerals from the site shall commence until a method statement for the avoidance of impacts to ground nesting birds and brown hare has been submitted to and approved in writing by the Mineral Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed working method(s) necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, making reference to the agreed phasing of works;
- e) persons responsible for implementing and/or overseeing the works.

The works shall be carried out strictly in accordance with the approved details.

**Reason:** To ensure that the impact on existing local ecological systems is adequately considered and mitigated against and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP30 and PLP36 and Section 15 of the National Planning Policy Framework

23. The full depth of topsoil and subsoil on existing agricultural land within the application site shall be stripped separately prior to the removal of overburden or mineral from each phase of working and stored separately in areas to be approved in writing with the Mineral Planning Authority.

**Reason:** To protect a scarce resource and in the interests of ensuring the satisfactory restoration of the site and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

24. The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid smearing and compaction and to ensure all available soil resources are recovered.

**Reason:** To protect a scarce resource and in the interests of ensuring the satisfactory restoration of the site and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP36 and Section 17 of the National Planning Policy Framework

25. The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of soils, the location of each soil storage mound and an estimate of the quantity of soil stored which shall be provided in writing to the Mineral Planning Authority within one month of the date soil stripping commenced.

**Reason:** To ensure the satisfactory restoration of the site and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

26. All mounds in which soil is to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification approved beforehand in writing by the Mineral Planning Authority.

**Reason:** To protect a scarce resource and in the interests of ensuring the satisfactory restoration of the site and to accord with Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

### **Restoration**

27. After completion of mineral extraction in each phase the site shall be progressively restored to agriculture/nature conservation in accordance with the restoration concept indicated on Plan no. D14 and a detailed scheme to be submitted to and approved in writing by the Mineral Planning Authority prior to any development involving the stripping of soils or the export of minerals from the site. The submitted scheme shall provide for:

- (a) the phasing and direction of backfilling of the site
- (b) the removal of plant, machinery, haul roads and fences;
- (c) spreading a minimum depth of 350mm subsoil and 250mm topsoil over the backfilled overburden in agricultural grassland areas;
- (d) spreading a minimum depth of 500mm subsoil or sandy overburden over the backfilled material on areas to be restored to nature conservation
- (e) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
- (f) details of cultivation techniques and equipment to be used;
- (g) final levels and contours of the restored land graded to blend in with those of the surrounding land to prevent ponding and promote good surface water drainage;
- (h) provision of any temporary surface water drainage ditches where restored levels may cause a risk of ponding;
- (i) grass seeding of any areas to be returned to agriculture including details of proposed seed mixture;
- (j) details of the restoration to nature conservation including seeding and planting details,
- (k) removal of all storage/screen mounds;
- (l) reconstruction of drystone walls and provision of gates in the local style;
- (m) comprehensive details of post restoration drainage arrangements for the site;
- (n) programme of works and timescales;

The approved scheme shall be fully implemented following its approval.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

28. No development involving the stripping of soils or the export of minerals from the site shall commence until a scheme, detailing the means of achieving the permitted scheme of ecological enhancement during operation and following restoration, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme include:

- a) Purpose and conservation objectives for the permitted scheme;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of the permitted scheme on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works to deliver the scheme are aligned with the agreed phasing of works;
- g) Clear indication of which features/management practices are temporary or permanent and, where relevant, the duration of retention/implementation;
- h) Persons responsible for implementing and/or overseeing the works;
- i) Details of initial aftercare and long-term maintenance;
- j) Details for monitoring and remedial measures; and
- k) Details for disposal of any wastes arising from delivery works;

The scheme shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To enhance local biodiversity and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

### **Soil replacement**

29. The final surface of backfilled quarry overburden in each phase shall be graded to provide an even surface 500mm lower than the agreed final contours.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

30. The spreading of subsoil and topsoil shall only be carried out when the material is in a dry and friable condition and in sufficient time for subsoil ripping, cultivation and seeding to take place under suitable weather conditions before the end of September.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

31. In each phase subsoil shall be spread to the depths specified in Condition 27 using a backacter so as to avoid running over the spread soil. If running over the spread soil with wheeled plant and vehicles is unavoidable all areas which have been trafficked with wheeled machines shall be subsoil ripped to a depth of 450mm at spacings of not more than 750mm to relieve any compaction. In areas that are to receive topsoil, subsoil ripping shall be carried out prior to the spreading of topsoil. All stones and any other object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the soil. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

32. On receipt of the written approval of the Mineral Planning Authority for the works required by Condition 31 above, topsoil shall be spread over the surface of the areas to be restored to agriculture to the depth specified in Condition 27. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework.

33. In each phase a grass sward shall be developed in those areas of the site to be restored to grassland, and a grass sward on those areas of the site to be restored to nature conservation suitable for hare habitat in the first available growing season.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 Section 17 of the National Planning Policy Framework

34. If in any part of the restored area satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and reseeded, after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

### **Aftercare**

35. An outline aftercare scheme detailing the steps which may be necessary over the aftercare period of 5 years to bring each restoration phase to the required standard for use for agriculture or for nature conservation shall be submitted to the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

36. The aftercare scheme submitted in accordance with Condition 35 above shall be fully implemented and shall provide details of:

- a) the person responsible for implementing the aftercare scheme;
- b) a plan showing each area subject to aftercare, with demarcation of any areas having different aftercare steps or management proposals;
- c) the steps to be carried out in each area during the aftercare period and their timing within the overall programme in accordance the requirements identified in para. 056 to 058 of the National Planning Practice Guidance on minerals;
- d) detailed programme for the first year of aftercare in accordance with the requirements identified in para. 056 to 058 of the National Planning Practice Guidance on minerals.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

37. Following compliance with Condition 35 above, a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August in each year of aftercare of any phase. The programme submitted shall amplify the outline aftercare scheme for works to be carried out in the following 12 months, including any modifications to the original proposals. The approved scheme shall accord with the requirements identified in para. 056 to 058 of the National Planning Practice Guidance on minerals and shall be fully implemented for the duration of the aftercare period

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

38. Every year during the aftercare period the developer shall arrange a site meeting to be held every year before 30 November to discuss the report prepared in accordance with Conditions 35 and 37 above to which the following parties shall be invited:

- a) the Minerals Planning Authority;
- b) all owners of the land within the site;
- c) DEFRA.

**Reason:** To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policy PLP37 and Section 17 of the National Planning Policy Framework

### **Protection of Amenity**

39. Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable:

- a) no operations, other than water pumping, servicing and environmental monitoring shall be carried out on the site except between the following times:

0730-1800 Mondays to Fridays

08:00-1300 Saturdays

- b) no operations other than water pumping and environmental monitoring shall take place on Sundays and Bank/Public Holidays.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

40. The site attributable free field equivalent continuous A weighted sound pressure level (LAeq,T) when measured at a height of 1.3-1.5m above ground and at least 3.5m from any reflecting structure other than the ground, measured at 'Noise Monitoring Locations' as detailed on drawing number 1 rev B.0 SK-NQ-002 Project Number 1544171 in the Environmental Impact Statement dated February 2017, or at equivalent positions agreed with the Mineral Planning Authority, shall not exceed:

- a) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of screen mounds, soil stripping and replacement and the initial part of the quarry phasing, as agreed in advance with the Mineral Planning Authority (this noise limit is only permitted for a maximum of 8 weeks in any 12 month period);
- b) 10 dB(A) above the measured background noise level (L90T) in any one hour period at the Noise Monitoring Locations as detailed on drawing "project number "1544171 SK-NQ002 Rev B.0 Dwg 1 dated 17 February 2017 (Golder Associates).

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

41. Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations (as defined in Condition 40) shall only be carried out between the hours of:

0900-1730 Mondays to Fridays

0900-1230 Saturdays

and at no time on Sundays or Bank Holidays.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

42. No crushing plant or screening plant and or crushing or screening equipment shall be operated at the site.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

43. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

44. All vehicle reversing warning systems and/or alarms shall be operated in accordance with specifications to be submitted to and approved in writing by the Mineral Planning Authority prior to soil stripping or mineral extraction commencing on site.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

45. There shall be no explosive blasting on the site.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

46. The development shall be operated at all times in accordance with the noise mitigation measures stipulated in "Chapter H: Noise" of the supporting Environmental Statement dated 9 February 2017.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

47. No soil stripping or mineral extraction shall commence until a noise monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- a) equipment to be used;
- b) noise monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed.

The approved scheme shall be implemented for the duration of the planning permission hereby approved and the operator shall retain the results of noise monitoring surveys for a minimum of 12 months for inspection by the Mineral Planning Authority.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

48. No soil stripping or mineral extraction shall commence until a clean supply of water has been provided which can be used to serve wheel washing and dust suppression measures at the site.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

49. No soil stripping or mineral extraction shall commence until a scheme for the suppression of dust has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide for:

- a) the suppression of dust caused by the movement, transport and storage of stone, soils and overburden;
- b) seeding of all screening mounds and soil stockpiles which will be in place for more than 6 months;
- c) speed restriction of 15 miles per hour for all vehicles using the haul road;
- d) use of water bowsters and water spray units for the suppression of dust;
- e) all plant used on site to have upward facing exhausts;
- f) heavy plant to be fitted with radiator deflector units;
- g) suspension of the movement of mineral, soils and overburden on site when local wind speed exceeds 20 metres per second;
- h) provision and use of effective means to prevent the deposition of mud and other materials on the highway.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

50. Prior to soil stripping commencing on the permitted site a dust monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- a) equipment to be used;
- b) dust monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed;.
- e) procedures for dealing with complaints.

The approved scheme shall be implemented for the duration of the planning permission hereby approved and the operator shall retain the results of dust monitoring surveys for a minimum of 12 months for inspection by the Mineral Planning Authority.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

51. Overburden shall only be stored above ground level within the Phase 3 area indicated on plan D5 and shall not to exceed 2m in height from surrounding ground level.

**Reason:** In the interest of visual amenity and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

52. The screen hedge indicated on plan No. D5 which surrounds the proposed overburden storage area shall be planted during the first available planting season following the date of the planning permission hereby approved.

**Reason:** In the interest of visual amenity and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

53. The site shall not be used for the storage of waste skips or containers or other plant and equipment not directly associated with the operation of the quarry.

**Reason:** In the interest of visual amenity and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

54. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order with or without modification) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.

**Reason:** In the interest of visual amenity and to accord with Kirklees Unitary Development Plan Policy M3, Kirklees Publication Draft Local Plan Policies PLP36 and PLP52 and Section 17 of the National Planning Policy Framework.

## **Cultural Heritage**

55. No soil stripping or mineral extraction shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Mineral Planning Authority.

**Reason:** to ensure that any unrecorded archaeology is sufficiently protected and to accord with Section 16 of the National Planning Policy Framework

56. The Mineral Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site and given reasonable opportunity to inspect and record it.

**Reason:** to ensure that any unrecorded archaeology or important geological feature is sufficiently protected and to accord with Section 16 of the National Planning Policy Framework

**Note:** Public footpath byway Huddersfield 229 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. No construction traffic in connection with the operations should use Huddersfield 229 (Turbid Lane). Although this is a byway, not all byways are suitable for vehicular traffic and the use of this one is predominantly non-vehicular.

The Council's public rights of way unit may be contact by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is now based at Flint Street, Fartown, Huddersfield HD1 6LG and the e-mail address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**Note:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

| <b>Plan Type</b>                                                               | <b>Reference</b>          | <b>Version</b> | <b>Date Received</b> |
|--------------------------------------------------------------------------------|---------------------------|----------------|----------------------|
| Location plan                                                                  | D2                        |                | 05/04/2017           |
| Topographic survey                                                             | D4                        | 6              | 05/04/2017           |
| Existing surface water features                                                | D23                       | A01            | 05/04/2017           |
| Proposed site sections                                                         | D15                       | 5              | 05/04/2017           |
| Proposed site and existing operational areas                                   | D21                       |                | 05/04/2017           |
| Ownership boundary                                                             | D3                        |                | 05/04/2017           |
| Proposed permissive footpath                                                   | D20                       | 4              | 05/04/2017           |
|                                                                                |                           |                |                      |
| Phasing plan                                                                   | D5                        | 6              | 05/04/2017           |
| Phase 1 stage 1                                                                | D6                        | 7              | 05/04/2017           |
| Phase 1 stage 2                                                                | D7                        | 7              | 05/04/2017           |
| Phase 1 stage 3                                                                | D8                        | 7              | 05/04/2017           |
| Phase 1 stage 4                                                                | D9                        | 7              | 05/04/2017           |
| Phase 2 stage 5                                                                | D10                       | 7              | 05/04/2017           |
| Phase 2 stage 6                                                                | D11                       | 7              | 05/04/2017           |
| Phase 3 stage 7                                                                | D12                       | 7              | 05/04/2017           |
| Phase 3 stage 8                                                                | D 13                      | 7              | 05/04/2017           |
| Phase 3 stage 9 –restoration concept                                           | D14                       | 7              |                      |
| Preliminary drainage strategy – phase 1                                        | D16                       | A01            | 05/04/2017           |
| Preliminary drainage strategy – phase 2                                        | D17                       | A01            | 05/04/2017           |
| Preliminary drainage strategy – restoration scheme                             | D18                       | A01            | 05/04/2017           |
| Supporting planning statement                                                  |                           |                | 05/07/2017           |
| Passing place details                                                          | 50567/JG/JSt/14 420149v1  |                | 05/07/2017           |
| Supporting Environmental statement - chapters A to N and associated appendices |                           |                | 05/04/2017           |
| Environmental Impact Assessment non-technical summary                          |                           |                | 05/04/2017           |
| Amended access arrangements                                                    | 364304-MM-00-XX-DR-C-0001 | P4             | 10/07/2017           |
| Brown hare mitigation proposals                                                | SRG/HD/170126             |                | 10/07/2017           |
| Golden Plover Survey                                                           |                           |                | 10/07/2017           |
| Supplementary drainage information                                             | WIE10674-100-C001         |                | 24/07/2017           |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. During the consideration of this application negotiations with the applicant have secured the following:

- Highway improvements
- Access design improvements
- Further bird survey work
- Additional work on drainage regimes and whether effects on ground water would impact on Blackmoorfoot Reservoir
- Additional information regarding the potential impact this development would have on Castle Hill
- Changes to the design of the scheme which require the completion of the restoration of an agreed area of the existing quarry (Airfield Extension) working before mineral extraction can take place at the application site.
- Dedication of the proposed footpath link once the site is fully restored.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

#### **Development within a Coal Mining Area**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 18-Oct-2018

**Signed:**



**Karl Battersby**  
**Strategic Director Economy and Infrastructure**

## **Application Plans**

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

[planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

or telephone 01484 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

Planning, Strategic Investment Service,  
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR

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