

Thewlis Lane Quarry Proposed Variation of Permission

Planning Statement

Johnsons Wellfield Limited

March 2019

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50824/02/JG/JSt

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Plans

Figure 1 Location Plan

1.0

Introduction

Summary

- 1.1 Thewlis Lane Quarry has been operational mineral working since the grant of planning permission in April 2014. In addition to the winning of stone block, the reclamation of the mineral working site will provide a reclaimed landform which will be suitable for either an agricultural after-use or built development, the latter subject to the further grant of planning permission.
- 1.2 The reclamation of the mineral working void is reliant upon the importation of shales from the nearby Crosland Moor mineral working site and the placement of those shales to an engineered specification to achieve a stable landform suitable for the after-use envisaged.
- 1.3 Due to unforeseen operational circumstances which have arisen both at the Crosland Moor quarry and within Thewlis Lane quarry, there is now a deficit in shales available for backfilling, but a surplus of sandstone spoil arising within Thewlis Lane quarry, which now needs to be accommodated. To provide for an acceptable specification for backfilling, shales and sandstone spoil now needs to be blended through a process which involves a mobile crushing operation located within the Thewlis Lane reclamation area.
- 1.4 Planning permission for the Thewlis Lane minerals development 2013/90793/WO was granted subject to planning conditions which amongst other matters provided for environmental control. Given that the site was located just over 100m from a residential area to the east, controls were imposed which restrict the operator's ability to undertake crushing and screening within the site. Planning condition 18 states: *No crushing or screening operations including the use of mobile plant shall take place on the application site. Reason: To safeguard the amenities of nearby residents.*
- 1.5 Pre- application discussion with Kirklees Council confirmed that the control of noise from the working area and its potential effects upon residential amenity was of key importance. Officers confirmed that any application to vary planning permission 2013/90793/WO by removing planning condition 18 would need to be supported by reporting which demonstrated that the use of crushing (and screening plant if required) could be undertaken without significant harm to local residential properties (by exceeding noise limits prescribed by the planning permission).

Application

- 1.6 This application for a minor material amendment to planning permission 2013/90793/WO, is made within the provisions of Section 73 of the Town and Country Planning Act 1990. The application seeks permission to remove planning Condition 18.

Environmental Impact Assessment

- 1.7 Planning permission 2013/90793/WO, was granted subject to the consideration of an Environmental Statement. The present application to vary the planning permission is therefore made as informed by a supplementary Environmental Statement which is appended to the extant Environmental Statement of 2013. The scope of the supplementary environmental impact assessment has been agreed with Kirklees Council and conforms with Article 15 the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (the 2017 EIA Regulations).
- 1.8 It is agreed with the Council that given the focus of the proposal and having regard to extant ES with the exception of noise, all the other environmental information remains current.

- 1.9 This planning application has been informed by a Noise and Vibration assessment which has based predicted noise immissions based on the operational crushing plant.

Structure of Document

- 1.10 This planning statement is structured as follows:

Section 1 Introduction

Section 2 Proposal

Section 3 Description of the Proposed Process

Section 4 Policy Context and Analysis

Section 5 Conclusion

2.0 Site Location and Description

Location

- 2.1 Thewlis Lane Quarry is located off Thewlis Lane and Blackmoorfoot Road at Crosland Hill, approximately 3km to the west of Huddersfield. National Grid Reference SE121145 as shown on Figure 1 Location and Site Boundary.

Description of the site and its surroundings

- 2.2 The site is neighboured by residential properties to the north, east and south and to the former Wellfield Quarry to the west which serves the operational hub of the quarry complex and includes infrastructure such as saw sheds, plant workshops and associated buildings.
- 2.3 Waterholes Quarry lies approximately 400m to the south west and is still operational for sandstone extraction and inert landfill and Crosland Moor Quarry lies a further 800m to the southwest and this is the main operational quarry for JWQ. The site lies at an elevation of approximately 208m AOD to the west at Thewlis Lane and slopes gently at an approximate slope of 1:20 to the east towards the Balmoral Avenue residential area at 190m AOD.
- 2.4 Minerals extraction takes place at depth, screened by the operational topography of the working area. An established screening bund is located to the southern aspect of the working area. This bund is vegetated by an established mown grass sward.
- 2.5 Whilst the quarry has an overall extent of some 4.3 ha, the mobile crushing and screening plant will occupy an area of some 0.4ha at any one time, and will be located where active backfilling is taking place.

Planning History

- 2.6 The site operates with the benefit of planning permission 2013/90793/WO for Minerals Extraction.

3.0 Description of Proposed Process

Introduction

3.1 The process proposed will include the following activities:

- Loading of crushing plant using mobile plant
- Crushing quarry spoil and shales to a size suitable for backfilling and compaction to a verified specification.

Operation

Plant and Machinery

3.2 The operational Thewlis Lane site will continue to operate using a combination of plant including: face shovels, and haulage vehicles associated with the winning and working of mineral and reclamation of the site. The proposed crushing of material will utilise mobile plant which will be take the form of the crushing plant illustrated below (or similar).

Photograph 1. Crushing Plant



Use and Operation

- 3.3 The permitted minerals development operates in accordance with planning permission 2013/90793/WO. It is proposed to utilise a mobile crushing plant within the quarry to produce a specification of material arising from the spoil generated from the working area and that imported in the form of shales from the Crosland Moor 'Airfield' suitable for the progressive backfilling and reclamation of the Thewlis Lane quarry working void.
- 3.4 Over the course of time, the quarry profile will change as the exhausted void is backfilled. The mobile crushing plant will always be located within the quarry void which offers it maximum shielding from Noise and Vibration Sensitive Properties. The quarry screening bund forms a key component of noise mitigation and will be retained in-situ for the duration of the working and reclamation operation.

Hours of Operation

- 3.5 The mobile crushing and screening plant will only be operational during the permitted hours of working as set out in planning conditions 41 and 43 of planning permission 2013/90793/WO.
- 3.6 Condition 41 states: Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable, or unless otherwise agreed in writing by the Mineral Planning Authority:
- 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
- 0730-1300 Saturdays
- b) no operations other than water pumping and environmental monitoring shall take place on Sundays and Bank/Public Holidays.
- 3.7 Condition 43 states:
- Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations (as defined in Condition 42) 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/Public Holidays.

Noise and Dust Control

Noise

- 3.8 The crushing plant utilised will incorporate acoustic mitigation safeguards including silencers to ensure that there will be no loss of amenity to neighbouring sensitive receptors. In addition to processing materials within the existing quarry void, the 3m high perimeter bund which presently surrounds the quarry will be remain in situ in association with the reclamation of the site, which will be concurrent with the proposed activity. A perimeter bund situated around the periphery of Thewlis Lane Quarry provides acoustic mitigation benefits.
- 3.9 A predictive noise and vibration report: *Thewlis Lane Noise and Vibration Assessment* has been prepared by ITP Energised which accompanies this planning application and informs the supplementary environmental statement. This reporting has assessed the ambient noise

environment and the potential effects of the use of crushing plant within the quarry environment.

- 3.10 Predicted noise levels due to the proposed process at the nearest noise and vibration sensitive properties (NSVR) do not exceed the noise limit derived from the measured background level, in the absence of any quarrying activities. The Proposed Process noise immissions at the nearest NVSRs do not result in an exceedance in audible cumulative noise level from all quarrying activities in the study area, beyond that permitted by planning condition 42.
- 3.11 Furthermore, the proposed process does not result in a noticeable increase in vibration levels when compared to existing quarrying activities, and will therefore have no impact at the identified noise and vibration sensitive receptors.

Dust

- 3.12 The crushing activity will be located within the quarry profile. Using a water bowser, the regular application of water to active areas during periods of dry windy weather will keep the operational area damped down.
- 3.13 Should these arise, Johnsons Wellfield Limited will monitor and record dust and air quality complaints made to them. They will identify causes and take appropriate action and record measures to reduced emissions, making a complaint log available to Kirklees Council when asked.
- 3.14 Vehicles accessing and egressing Waterholes Quarry use roadways which are already trafficked by vehicles accessing the site for the purposes of import of inert materials and subsequent exit. The roadways within the former Wellfield quarry area are constantly used in connection with access to the Airfield and Moorfield quarry.
- 3.15 The Crosland Hill operational site entrance is served by a wheel wash to mitigate for the carriage of mud onto the public highway.
- 3.16 The quarry operates speed limits in any event which apply to the permitted site which also control dust generation.

4.0 Policy Context and Analysis

- 4.1 The purpose of this section of the planning statement is to provide an overview of the planning policy framework as it relates to the use of land 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.
- 4.2 The material considerations identified, which predominately relate to matters of sustainable use of materials and the environment, are then addressed in the light of policy objectives and analysis set out below.
- 4.3 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.
- 4.4 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.
- 4.5 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) 2017 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.
- 4.6 This section of the report identifies the main planning policy and guidance at the national and local level relevant to the proposal.

National Planning Policy Framework

- 4.7 The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. The 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. The main purpose of the Revised NPPF is to secure sustainability at the heart of the planning system, and focuses on the role of the planning system to encourage mutually beneficial economic, social and environmental development.

Sustainable Development

- 4.8 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 7 – 12). These three dimensions are defined as follows:

- 1 an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;
 - 2 a social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe environment, with accessible services and open spaces that reflect current and future needs and support communities 'health, social and cultural well-being; and
 - 3 an environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping improve biodiversity, using natural resources prudently, minimising waste pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.9 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.
- 4.10 Paragraph 10 states: so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development, which should be applied through both plan-making and decision-taking.
- 4.11 Paragraph 11 states: '*Plans and decisions should apply a presumption in favour of sustainable development*' and c) '*approving development proposals that accord with an up to date development plan without delay.*'

Kirklees Local Plan

- 4.12 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. For the purposes of this planning application, the Development Plan comprises the Kirklees Local Plan (2019).
- 4.13 The Kirklees Local Plan (KLP) was adopted on 27th February 2019. The KLP allocates the site as a minerals extraction site and for housing (which could be developed once the minerals working site has been reclaimed to approved ground levels).

Analysis

Introduction

- 4.14 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 policies of the adopted Kirklees Local Plan (2019).
- 4.15 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.

- 4.16 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.
- 4.17 The application of policy and interaction between planning policy at the national and local level is material in the consideration of the application. This section provides an overview of the planning policy framework as it relates to the proposal. The material considerations are identified, which relate to matters of amenity and the environment, and delivery of a restored landform suitable for an after-use which accords with policies and allocation of land set out within the development plan.
- 4.18 The underlying principles followed in the consideration of planning applications for development are a matter of established law. The Planning and Compulsory Purchase Act 2004 prescribes (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”.

Amenity

- 4.19 Policy *PLP52* concerns the protection and improvement of environmental quality and requires submissions for proposals which have the potential to increase pollution from considerations such as noise, must be accompanied evidence to show the impacts have been evaluated and mitigation incorporated where required to ensure the development does not have an unacceptable impact on the environment. The proposal is accompanied by noise and vibration reporting and an Environmental Statement which addresses this environmental aspect.
- 4.20 The proposal to allow the use of crushing plant through the removal of planning condition 18 of planning permission 2013/90793/WO has been assessed through the process of EIA with reference to noise. The noise assessment demonstrates that the use of the proposed crushing plant when operated within the operational quarry environment will not result in adverse effect upon neighbouring noise sensitive properties. The Environmental statement noise chapter (2019) confirms that the operation of crushing plant within the quarry will not result in a significant effect, therefore the proposal, accords with Policy PLP 52 of the adopted Kirklees Local Plan.
- 4.21 The use of crushing plant will enable the reclamation of the site to be undertaken to the specification required by planning permission 2013/90793/WO. This will ensure the site is reclaimed to a standard suitable for the future development and use consistent with land allocation within the development plan.

Conclusion

- 4.22 Planning legislation requires that the determination of planning applications shall be made in accordance with the development plan unless material consideration indicates otherwise. This planning application concerns the consideration of the potential effects upon the environment of allowing the operation of a crushing plant within Thewlis Lane quarry. The quarrying operations take place with reference to noise and environmental controls, including noise limits and hours of working. The proposed crushing and screening operation does not exceed these parameters and therefore accord with development plan policy.

5.0 Conclusion

- 5.1 Thewlis Lane Quarry has been operational mineral working since the grant of planning permission in April 2014. In addition to the winning of stone block, the reclamation of the mineral working site will provide a reclaimed landform which will be suitable for either an agricultural after-use or built development, the latter subject to the further grant of planning permission.
- 5.2 The reclamation of the mineral working void is reliant upon the importation of shales from the nearby Crosland Moor mineral working site and the placement of those shales to an engineered specification to achieve a stable landform suitable for the after-use envisaged.
- 5.3 Due to unforeseen operational circumstances which have arisen both at the Crosland Moor quarry and within Thewlis Lane quarry, there is now a deficit in shales available for backfilling, but a surplus of sandstone spoil arising within Thewlis Lane quarry, which subject to processing to an agreed specification will be suitable as an engineered backfill material. To provide for an acceptable specification for backfilling, shales and sandstone spoil now needs to be blended through a process which involves a crushing operation located within the Thewlis Lane working area.
- 5.4 A noise and vibration assessment commissioned to determine the predicted effect of the development has demonstrated that the operation can take place within the noise controls and limits specified by the extant planning permission for minerals working. The Environmental Statement concludes that the use of a crushing as proposed within the quarry will not result in significant harm to neighbouring noise sensitive receptors.
- 5.5 The proposal to remove condition 18 and allow crushing to be undertaken within Thewlis Lane Quarry, therefore accords with the development plan and permission should therefore be granted.

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