KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2022/70/90168/E0**
Site Address:	Carr Hill Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8XG
Description:	Variation condition 4 (Time Limit) on previous permission 2000/90671 for extension of Carr Hill Quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes
Recommending Officer:	Farzana Tabasum

DECISION – Variation of Conditions (S73) - Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 13-May-2024

Site Description
The site lies approximately 1km southeast of Shepley village and is situated south of and immediately adjacent to the A635 Barnsley Road. Access into the site is approximately 120m metres east of the sovereign crossroads junction with the A629 Penistone Road.

A mobile crusher / screen plant for recycling of construction, demolition and exaction waste is in operation within the northeast part of the site. The site also accommodates a workshop / garage west of the site entrance. This was confirmed to be lawful for the purpose of planning control under a certificate of lawful development application ref: 2020/93854. Both facilities are served by the existing gated access from Barnsley Road. The site is bound by a palisade fence and an earth bund with landscaping which has matured over time along this road frontage. The site has been restored in part with higher land levels along the southern end of the site adjacent to Penistone Road. Part of this boundary also benefits from mature landscaping. The character of the landscape in the vicinity of the site is that of gently undulating managed pasture / scrub and arable fields with pockets of woodland and intermittent residential elements.

The character of the landscape in the vicinity of the site is that of gently undulating managed pasture / scrub and arable fields with pockets of woodland and intermittent residential elements. The site lies within the green belt.

Description of Proposal
This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to amend/vary condition 4 of planning permission 2000/90671, which required the site to be restored by 31st August 2022. This application was received 18th January 2022.

Condition 4 reads:
4. Unless otherwise agreed in writing by the Minerals Planning Authority, extraction of minerals shall cease and the site restored to a condition suitable for amenity woodland and grassland in accordance with the details contained in condition 30 below by 31st August 2022.
Reason: *To minimise the duration of disturbance from the development hereby permitted*

The proposals are essentially to extend the time on the permission to allow for the recently revised restoration scheme under application 2022/93465 to be completed by 31st August 2027. The applicant has advised that in order for this to be implemented, a variation of the current site Environment Permit needs to be sought from the Environment Agency, which can take up to 6 to 12 months.

Mineral extraction at the site has been completed and ceased some years ago. This is verified in the supporting statement accompanying this application. In light of this, condition 4 will read:

4.The site shall be restored in accordance with details approved pursuant to planning application 2022/93465 by 31st August 2027

History of negotiations/amendments received

It was necessary to seek extensions of time on the application to first allow for the determination of the revised restoration scheme under application number 2022/93465, the decision for which was issued in March 2024 following completion of the Section 106 legal agreement.

Given the delays caused in determination and issuing of the 2022/93465 application, the agent has requested an extension of time to 31st August 2027 on this application. This is accepted. The extension of time, now sought is modest to allow the applicant to seek the necessary environmental permit from the Environment Agency and complete the recently approved revised restoration scheme.

Relevant Planning History

2022/93465 - Variation of the approved restoration scheme under condition 30 of previous permission 2000/90671 for extension of Carr Hill Quarry including the extraction of sandstone and clay, associated activities and its restoration by means of infill with inert wastes – granted, decision issued 06/03/2024

2022/93464 - The retention of garage, storage containers (x3), a cabin, hardstanding and access, and the construction of a gabion retaining structure and extension of hardstanding area - granted, decision issued 06/03/2024

2022/90169 - Variation of condition 3 (Time Limit) on previous permission 2011/91942 use of land for the recycling of construction, demolition and excavation waste – **Pending decision**

2021/94062 - Change of use from car sales to haulage depot with retail sales **– Pending decision**

2021/91826 – Variation of Condition 30 (Restoration Scheme) of previous permission 2000/90671 for the extension of Carr Hill Quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes, consolidating permission 1987/05723 Extension of a disused quarry for winning minerals and subsequent backfilling with approved inert waste – Refused 17/12/2021

2020/93854 – Certificate of lawfulness issued 29/01/2021 for existing use of detached garage for the repair, maintenance and storage of vehicles including those not associated with activities at Carr Hill Quarry.

2019/93039 – Variation of condition 30 (restoration scheme) of previous permission 2000/90671 for extension of Carr Hill quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes – refused 17/12/2019.

2011/91942 – Use of land for recycling of construction, demolition and excavation waste – granted 22/12/2011 subject to all recycling activities at site ceasing by 31/08/2022 under condition 3)

2005/93719 – Telecommunications notification for the prior approval of details for erection 15 metres column 3 pole width, 2 antennas, 1 transmission dish and 1 equipment cabinet – refused 10/10/2005.

2005/90132 – Parking of heavy goods vehicles – refused 13/05/2005 – appeal dismissed November 2005 in relation to the creation of a level area (see assessment below, paragraphs 10.7 and 10.8).
2002/94011 – Erection of detached garage for the maintenance and storage of vehicles associated with ongoing activities at Carr Hill quarry – granted 20/01/2003 for a limited basis to expire on 31/12/2007.
2000/90671 – Extension of Carr Hill quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes – granted 31/08/2000 and condition 30 subsequently discharged.
1987/05723 – Extension of disused quarry for winning minerals – granted 23/02/1988.

Representations

Final publicity date expired 25/04/2022

The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement

No representations have been received.

Denby Dale Parish Council – No objection

Members for both Denby Dale and Kirkburton wards were notified as the site traverses both these wards. Other than an acknowledgement of the proposals from Cllr Michael Watson no other comments are received from ward Councillors.

Consultation Responses

K.C. Highways Development Management - No objection to the proposed variation

K.C. Lead Local Flood Authority - No objection to the proposed variation of cond, 4

K.C. Environmental Health - No objections to the variation to extend time by a further three years.

The Environment Agency - no comments received.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

<u>Kirklees Local Plan (KLP)</u>

The site is in the green belt, is a waste safeguarded site and forms part of a larger mineral extraction area on the Kirklees Local Plan. All mineral has been exhausted on the application site and restoration has been commenced in part. Relevant Local Plan policies include:

LP21 – Highways and access
LP32 – Landscape
LP37 – Site restoration and aftercare
LP38 – Minerals safeguarding
LP52 – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:
Relevant guidance and documents are:

National Planning Practice Guidance
National Planning Policy for Waste

National Planning Guidance:
The National Planning Policy Framework (December 2023) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

Section 6 – Building a strong, competitive economy
Section 13- Protecting Green Belt Land
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 17 – Facilitating the sustainable use of minerals

ASSESSMENT
Relevant history:
The mobile crusher / screen plant currently operating on site was granted permission under planning application ref: 2011/91942. The permission expired on 31/08/2022 which is the same time the previously approved restoration scheme should have been completed by under condition 4 of the planning permission 2000/90671.
Planning applications to extend the time (to vary condition 4) on the 2000/90671 planning permission and that of the mobile crusher/screen plant (to vary condition 3) on planning permission 2011/91942 were received on 18/01/2022. The decisions on both these applications were dependant on the outcome of the 2022/93465 application which sought to vary the previously approved restoration scheme/details. This was granted by Members of the strategic committee and decision issued in March earlier this year following the completion of a Section 106 agreement.

The proposals to extend the time on this and for the mobile crusher/screening plant (to be determined separately under application 2022/90169) for a further period to 31st August 2027, can now be determined.

Principle of development
As noted above, the site lies in the green belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to this are set out in paragraph 155 of the NPPF, provided they preserve its openness and do not conflict with the purpose of including land within it. The exceptions include mineral extraction and engineering operations.

Although, all the mineral from this site has long been extracted, the site benefits from an extant permission and is still an operational quarry. In terms of green belt, bearing in mind the current condition and character of the application site together with recent the granting of the revised restoration scheme, it is considered that allowing a further extension of time to 31st August 2027 to complete the restoration of this site would not be of harm to the purposes of including land within Green Belt.

The proposals seek to extend the time to complete the restoration by 31st August 2027 under a Section 73 application process.

Section 73 of the Town and Country Planning Act 1990 concerns the "Determination of applications to develop land without compliance with conditions previously attached", conversationally known as "varying" or "amending" conditions. S73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it.

Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant's ability to complete the previously approved development. The assessment below will relate solely to the variations to the wording of the condition 4 of planning permission 2000/90671 sought to extend the time, as set out above.

As stated above, to allow the continuation of restoration works to be completed by in accordance with the recently approved restoration scheme would reverse the current temporary harm which exists to the openness of the green belt. Therefore, the principle of extending the time for a further period as proposed would allow the applicant sufficient time to obtain the necessary environmental permit from the Environment Agency and restore the site in accordance with the recently approved scheme.

Impact on amenity & environmental conditions
The current operations involve the use of heavy equipment to and from the site. This proposal would simply see a continuation of activities at the same scale for the additional period to 31st August 2027.

In terms of environmental conditions, specifically noise, dust, surface water drainage and HGV trips associated with the proposals, these are all controlled by conditions on the extant permission. It is therefore considered that this proposal which seeks to extend the time to primarily allow the restoration works to be completed would not significantly add to significant environmental conditions.

The number of properties directly affected would be relatively small and views into the site would be limited by local topography. The site is likely to be seen from certain points from the north, however views into the site will be limited due to the existing boundary treatment and development on the opposite side of the road.

The nearest independent residential properties lie southwest of the site, along with a number of industrial premises and a public house, concentrated around the Sovereign crossroads, north of the site, with the immediate wider area to the south being predominantly open and rural in character. The existing land uses are unlikely to be affected by the proposals as the application site is adequately screened and separated from the other land uses due to the topography of surrounding land and existing mature landscaping.

Conditions
A permission granted under S73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. This new permission therefore sits alongside the original planning permission, which remains intact and unamended. The development will be constructed in all other respects with the details approved in accordance with 2000/90671. Consequently, the decision notice will set out the variations to condition 4 as now sought, and also include the revised condition number 30 of the 2022/93465 planning permission and where required, updates the approved plans list.

Application 2000/90671 was granted with 53 conditions. Condition 1 (five years to commence development) and condition 2 can be deleted (MPA to be notified in writing when mineral extraction commences) as the Section 73 process cannot be used to vary the time limit for implementation, and as development has commenced and exhausted to all mineral form the site. To avoid confusion, however, it is not recommended that subsequent conditions be renumbered. For clarity, other than conditions 4 and 30, it restates the conditions imposed on the earlier permission.

Objections
None received.

Conclusion
This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of condition 4 as indicated.

This proposal would extend the period of disturbance associated with site beyond that originally envisaged, this would be a relatively short term impact on the amenity of the area, particularly as works continue on site to complete the restoration.

It is therefore considered that the long term benefits associated with allowing the restoration of this site to be completed by 31st August 2027, is acceptable and reasonable.

The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

Recommendation - Grant variation of condition
Decision Authorisation - Delegated Powers
Application Number:2022/90168
Officer Recommendation: Grant removal or modification of conditions
Conditions and Reasons

1. [no condition – deleted as development commenced, subsequent to planning permission 2000/90671]

2. [no condition – deleted as development commenced, subsequent to planning permission 2000/90671 and all mineral has been exhausted from site]

3. From the commencement of the development to its completion, 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.

DURATION
4.The site shall be restored in accordance with details approved pursuant to planning permission 2022/93465, no later than 31st August 2027.
Reason: To ensure the satisfactory completion of mineral extraction and subsequent restoration of the site within an acceptable period of time.

PRIOR CESSATION
5. In the event of cessation of winning and working of minerals and the deposit of waste material prior to the achievement of the completion of the approved scheme, which in 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 restoration

scheme to include details of reclamation 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 cessation of winning and working. The approved revised restoration 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 Section 17 of the National Planning Policy Framework and National Planning Practice Guidance.

ACCESS
6. The sole means of vehicular access and egress from the site shall be from Barnsley Road as indicated on drawing CH004(REVISION 1).
Reason: To ensure the access road is constructed with due regard to highway safety and local environment.

7. No operations except the construction of the access shall be carried out on the site until the site access road has been constructed in accordance with the details of a scheme to be submitted for the prior written approval of the Mineral Planning Authority. The access shall be constructed in complete accordance with the details of the approved scheme.
Reason: To ensure the access road is constructed with due regard to highway safety and local environment.

8. The surfacing of the site access shown on the approved plan referred to in Condition 7 above shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare.
Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

9. No commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

10. A drainage system shall be installed and maintained to ensure that no slurry or water from the permitted area flows onto the public highway.
Reason: In the interests of highway safety and to prevent water getting on the highway.

11. The areas shown for parking on approved drawing CH004 Revision 1 shall be kept clear of all obstructions to such use and shall not be used for the erection of buildings.
Reason: In the interests of the amenity of local residents and highway safety.

12. No loaded lorries shall leave the site un-sheeted except those only carrying stone in excess of 500cm.
Reason: In the interests of highway safety and safeguarding the local environment.

13. Vehicles serving the site shall only be parked, loaded or unloaded within the permitted boundary of the site and/or planning permission 87/62/05723 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of local residents and highway safety.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING
14. Prior to development commencing on the site a scheme shall be submitted for the approval in writing of the Mineral Planning Authority which indicates the means of enclosure and gates proposed on the site.
Reason: In the interest of the visual amenity of local residents.

15. The stripping and storage of soils and overburden and the extraction and storage of minerals on the site shall be carried out in accordance with the details of a scheme to be submitted for the written approval of the Mineral Planning Authority within 3 months of the date of this permission.
Reason: To enable the Mineral Planning Authority to adequately control the development and to minimise its impact upon the amenities of the local area.

16. No extraction of mineral shall take place below the base of the Greenmoor Rock.
Reason: To minimise the risk of pollution of watercourses and 22 acquifers.

17. No excavation shall take place closer than 20 metres to the limit of the planning permission area in the vicinity of Barnsley Road and Penistone Road as shown on approved drawing CH003 Revision 1. Unless otherwise agreed in writing by the Mineral Planning Authority work on site shall only proceed according to the details of a geotechnical report which shall be submitted for the prior written approval of the Mineral Planning Authority within 6 months of the date of this permission which indicates the measures to be adopted to ensure the stability of land adjacent to the area indicated with a blue line on approved drawing CH003 revision 1 land with particular reference to the land supporting the public highways Barnsley Road (A635) and Penistone Road (A629) and which shall include a calculated minimum slope for site conditions.
Reason: To ensure that the development is contained within its permitted boundaries to avoid effects on surrounding land and to avoid affecting the restoration or subsequent after use of the site.

18. Unless otherwise agreed in writing by the Mineral Planning Authority the total amount of mineral and waste material leaving and entering the site shall not exceed a level of 75,000 tonnes per annum over a period of 17 years starting from the date production commences and over each subsequent year the amount of mineral and waste material leaving and entering the site shall not exceed 120,000 tonnes per annum
Reason: In the interests of highway safety and safeguarding the local environment.

19. From the date of this permission the operators shall maintain records of their monthly production and import of waste material and shall make them

available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 24 months.
Reason: In order that the Minerals Planning Authority can monitor the output of the site.

20. Prior to crushing plant or an hydraulic stone breaker being brought on to the site a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the location and screening of the crushing plant and hydraulic stone breaker. Such scheme shall refer inter alia to;
(1) The crushing plant being located at the lowest practical level in the quarry at all times.
(2) The whole of the crushing plant and associated plant always being located below the Ordnance Datum level of 275 metres.
(3) Screening measures to be adopted to minimise the production of noise from the crushing plant.
(4) The use of noise suppression measures within the plant.
(5) Minimising the fall height of materials loading and leaving the crusher.
(6) The location of the hydraulic stone breaker at the lowest point of the operational quarry face.
Reason: In the interests of the amenity of local residents.

WATER PROTECTION AND POLLUTION PREVENTION
21. Only clean uncontaminated rock, subsoil, brick rubble or ceramic shall be permitted as infill material. Such material as timber, paper, plasterboard or any other material capable of producing a polluting leachate shall not be permitted as infill material.
Reason: To minimise the risk of pollution of watercourses and aquifers

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
Reason: To minimise the risk of pollution of watercourses and aquifers.

SOIL STRIPPING
23. The Mineral Planning Authority shall be given at least 48 hours notice (excluding Sundays and Bank Holidays) of any intended phase of topsoil or subsoil stripping, such works to proceed only subject to their approval.
Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring that the approved works are being carried out within the approved timescale

24. All available topsoil and subsoil shall be stripped from any areas to be excavated or infilled, or to be used for the stationing of any plant and buildings, the storage of overburden or infilling material, haul roads and other areas to be traversed by heavy machinery.
Reason: So as not to damage the soil quality to be used in the restoration of the site

25. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid soil smearing and compaction and to ensure that all available soil resources are recovered.
Reason: So as not to damage the soil quality to be used in the restoration of the site to complete the development for a beneficial after use.

26. Topsoil, subsoil or other soil making materials which have been approved for progressive restoration, shall be stored according to their quality in separate mounds that do not overlap. Once formed, 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 agreed beforehand with the Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.
Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use.

27. No topsoil, subsoil or overburden mounds shall project more than 2 metres above natural ground level.
Reason: In the interests of the amenity of the local area.

28. No topsoil or subsoil shall be removed from the site. The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of such materials, the location of each mound and indicate on an annual basis the soil materials for restoration purposes recovered and stored. These should, prior to completion of landfill, balance the proposed depth of the soil profile to be replaced following restoration.
Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use.

29. Unless otherwise agreed in writing by the Local Planning Authority soil shall not be stripped from any area of land more than 12 months in advance of mineral being extracted from that area of the site.
Reason: To ensure the site is reclaimed to a condition capable of beneficial use for agricultural and/or forestry.

RESTORATION
30. Prior to commencing works to carry out the approved revised restoration of the site, monitoring and inspection details verifying that the slope has performed the way it has been modelled (in the submission documents) shall be submitted to the Mineral Planning Authority, in accordance with the recommendation of the ARP Geological and Geotechnical assessment dated 28/07/2022. Thereafter the working and restoration of the site shall be carried out and completed in accordance with the following:

- Layout/restoration Plan ref: 10158B-02E
- Landscape Details ref: R-2261-1G
- Retaining Wall Sections -sheet 1 – ref: 2276-01-DR-S-1010_P2
- Retaining Wall Sections – sheet 2 – ref: 2276-01-DR-S-1011_P2
- Retaining Wall Sections – sheet 3 – ref: 2276-01-DR-S-1012_P1
- Retaining Wall Sections – sheet 4 – ref: 2276-01-DR-S-1013_P1
- Retaining wall details – ref: 2276-01-DR-S-1050_P1
- Retaining Wall General Arrangement - ref: 2276-01-DR-S-1000_P1.

The soft landscaping shown on drawing 'Landscape ref: R-2261-1G' shall be completed within 12 months from the completion of backfill, spreading of topsoil, formation of levels and contouring as shown on drawing Layout/restoration Plan ref; 10158B-02E. In the event, monitoring and inspection details verifying that the slope has not performed the way it has been modelled, works shall not commence until proposed revisions to the restoration scheme together with accurate updated Geological and Geotechnical details have been submitted to and approved in writing by the Local Planning Authority. Restoration shall thereafter be carried out in accordance with the approved details.
Reason: In the interest of minimising impact on the amenities of the local area and ensure the satisfactory restoration and beneficial use of the site after development, in accordance with Kirklees Local Plan Policy LP37 and guidance within the National Planning Policy Framework.
See footnote below in relation to condition 30

31. Any tree or shrub planted in accordance with Condition 30, which becomes damaged, diseased or fails within the first 4 years after planting shall be replaced in the next available tree planting season (between 1 November and 31 March).
Reason: To ensure satisfactory restoration of the site when development is completed to a beneficial after use and to accord with Kirklees Local Plan Policies LP32 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

32. No trees within or on the boundary of the site shall be felled, topped of lopped except with the prior written approval of the Mineral Planning Authority.
Reason: To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial after use and in the interests of the amenity of the local residents.

33. Prior to work commencing on the site a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the surface drainage of the site. Such drainage system shall be implemented when the reinstated land has settled sufficiently for the work to be effectively undertaken.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

SOIL REPLACEMENT DURING RESTORATION

34. Prior to placement of subsoil the surface on which it is to be placed shall be ripped to alleviate compaction and any stones or other materials capable of impeding normal agricultural or land drainage operations shall be removed.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

35. The source of any imported soils shall be made known to the Mineral Planning Authority and should be available for inspection and approval for 48 hours prior to being brought onto the site.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

36. Subsoil and soil making materials shall be spread in layers not exceeding 45cm thickness, each layer shall be cross-ripped to its full depth using a heavy duty subsoiling implement with winged tines set no wider than 60 cm apart. Any non-subsoil type material or rock; boulder or a stone larger than 15cm in any dimension shall be removed from the surface and not buried within the respread subsoil.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

37. All available topsoil shall be respread and cross ripped to alleviate compaction. Any stone larger than 10cm in any dimension shall be removed from the surface and taken away. After spreading the topsoil all reasonable steps shall be taken to ensure that within the depth of topsoil and subsoil there is no:
(a) rock, boulder or stone, or other material capable of damaging, impeding or turning a plough
(b) wire, cable or wire rope
(c) sterile material injurious to plant life
(d) excessively compacted zones
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

38. The spreading of subsoil and topsoil shall only be carried out when the material and the ground on which it is to be placed are in a dry and friable condition and in sufficient time for subsoiling, cultivation and reseeding to take place under normal weather conditions generally before the end of September.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

39. Within 3 months of the restoration of the final top layer, the developer shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site, together with a record of the depth and composition of the reinstated soil profiles.
Reason: To ensure the site is reclaimed to a condition capable of beneficial use for agricultural and/or forestry.

PROTECTION OF AMENITY

40. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority within 60 hours) or unless the Mineral Planning Authority has agreed otherwise in writing:-
(a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times
0730 hours and 1800 Monday to Friday; and 0730 hours and 1300 Saturdays;
(b) no servicing, maintenance and testing of plant shall be carried out at the site except between 0730 and 2200 hours on any day and at no time on Sundays or public holidays.
(c) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or Bank or National Holidays.
Reason: To protect the amenities of local residents.

41. There shall be no blasting on the site.
Reason: To protect the amenities of local residents.

42. Noise produced by operations shall not exceed a limit of 53dB LAeq (1 hour)(freefield) at any noise sensitive property in the area.
Reason: To protect the amenities of local residents.

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.

DUST
44. No development shall take place until a scheme and programme of the measures for the suppression of dust, has been submitted to and agreed in writing by the Mineral Planning Authority. Unless otherwise agreed in writing by the Mineral Planning Authority, the scheme submitted for approval shall provide for, inter alia;
(a) The suppression of dust caused by the movement, transport and storage of stone, soils and overburden, the transport, deposit, transfer and any other operation involved in the handling and deposit of waste on the site, and the movement and storage of any other materials.
(b) Use of water bowsers for the suppression of dust.
(c) All plant used on the site to have upward facing exhausts.
(d) Heavy plant to be equipped with radiator deflector plates.
(e) Suspension of the movement of minerals, soils, overburden and the deposit of waste on site when the local wind speed exceeds 20 metres per second and is blowing in the direction of any residential premises within 1000 metres of the area of operation.
(f) Use of efficient dust suppression or collection equipment on any drilling rig used on the site.
(g) Provision and use of effective means for the prevention of the deposition of mud and other materials on the road.
The approved scheme shall be implemented and complied with at all times.
Reason: To protect the amenities of local residents.

45. The site shall not be used for the storage of waste skips or containers.
Reason: To protect the amenities of local residents.

46. No waste material shall be burnt within the boundaries of the site and a fire on the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.
Reason: To protect the amenities of local residents.

PREVENTING LIGHT POLLUTION
47. The details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the Mineral Planning Authority. These details shall include: height of the floodlight posts, intensity of the lights (specified in Lux), spread of light including appropriate light spillage to the rear of the floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated.
Reason: To protect the amenities of local residents.

PERMITTED DEVELOPMENT RIGHTS
48. Notwithstanding the provisions of parts 7 and 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) no fixed plant or machinery, buildings or structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site.
Reason: In the interests of visual amenity and to protect the amenities of local residents

AFTERCARE
49. An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the site reclaimed under Condition nos. 4 and 30 to the required standard for use for amenity woodland and/or agriculture shall be submitted for the approval of 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 site and thereafter implemented. Thereafter the approved aftercare scheme shall be fully implemented.
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use.

50. The aftercare scheme submitted in accordance with Condition no.49 above shall comprise;

- a detailed annual programme for the first year of aftercare
- details identifying who would be responsible for carrying out the aftercare,
- broadly outline the steps to be carried out in the aftercare period, and their timing within the overall programme,

- include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

51. Following compliance with Condition 49 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals and shall comply with the requirements identified in National Planning Practice Guidance. The approved scheme shall thereafter be fully implemented.
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

52. Every year during the aftercare period, the developer shall arrange a site meeting to be held before 30th November to discuss the report prepared in accordance with Conditions 49, 50 and 51 above, and review progress to date, agree any further remedial measures or improvements necessary to be under the aftercare programme for the coming year. The following parties shall be invited to the site meeting:
(a) The Mineral Planning Authority
(b) The operator
(c) All owners/tenants of land within the site
(d) Any restoration/aftercare sub-contractor retained by the applicant/operator
(e) The Forestry Commission
(f) DEFRA
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

ARCHAEOLOGY AND GEOLOGY
53. The Minerals Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site. The developer shall afford access at all reasonable times to individuals nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.
Reason: To enable sites of archaeological interest to be adequately investigated and recorded.

FOOTNOTE:
Conditions 3, 5 to 29 and conditions 31 to 53 inclusive (i.e. those conditions that have not been sought for variation as part of this application) were originally imposed on approval of 2000/90671. They are reproduced (with minor changes, as required) on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been

discharged. Where the details pursuant to the above conditions in accordance with planning permission 2000/90671 have already been submitted for discharge and approved by the Mineral Planning Authority and there is no change to the details required by that condition, a further discharge of condition application pursuant to this application reference will not be necessary.

FOOTNOTE:
Any information submitted in relation to condition 30, which requires assessment by
an independent qualified person/engineer outside the Council will be at the cost of
the applicant.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Drawings and documents previously approved under application 2000/62/90671/E0, as amended by subsequent approvals and documents listed in this schedule			Pursuant to planning permission 2000/62/90671/E0
Layout/restoration Plan, pursuant to condition 30 of planning permission 2022/93465	10158B-02E		10/05/2023
Landscape Details, pursuant to condition 30 of planning permission 2022/93465	R-2261-1G		10/05/2023
Retaining Wall Sections -sheet 1, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1010_P2		31/01/2023
Retaining Wall Sections -sheet 2, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1011_P2		31/01/2023
Retaining Wall Sections -sheet 3, pursuant to condition	2276-01-DR-S-1012_P1		31/01/2023

Plan Type	Reference	Version	Date Received
30 of planning permission 2022/93465			
Retaining Wall Sections -sheet 4, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1013_P1		31/01/2023
Retaining wall details, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1050_P1		24/10/2022
Retaining Wall General Arrangement, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1000_P1		24/10/2022
Revised supporting statement, pursuant to condition 30 of planning permission 2022/93465	Dated October 2022		02/02/2023
Existing container details, pursuant to condition 30 of planning permission 2022/93465			31/03/2023
Large Rigid Tipper - vehicle swept path (for information only) , pursuant to condition 30 of planning permission 2022/93465	2059 102 rev F		31/01/2023
Supporting Information (1 page from Principal Geotechnical Engineer) , pursuant to condition 30 of planning permission 2022/93465	Dated 22/12/2022		09/01/2023
ARP Geological and Geotechnical assessment	Dated 28/07/2022, by Dr J. Davey		26/10/2022
Stability Analysis	Dated 25/02/2020		26/10/2022

Plan Type	Reference	Version	Date Received
Investigation report and geotechnical design report, pursuant to condition 30 of planning permission 2022/93465	(V4)		
ARP Geotechnical slope stability detailed sections, pursuant to condition 30 of planning permission 2022/93465	18 pages		24/10/2022
Plan 1 (S106 drawing) pursuant to condition 30 of planning permission 2022/93465			31/01/2023

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 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. Formal agreement has also been sought from the applicant to the rewording of conditions 4 and 30 as set out above.