

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2022/62/93230/W
Site Address:	Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth, HD9 2RL
Description:	Deepen and extend Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by infill with construction, demolition and excavation wastes; and recycle imported construction demolition and excavation wastes
Recommending Officer:	Farzana Tabasum

DECISION – Full Planning Permission -Refused

I hereby authorise the refusal 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: 16/03/22

Decision Authorisation – Committee Decision

Committee: Strategic

Date of Committee: 2nd March 2023

Application Number: 2022/93230

Officer Recommendation: Refusal

Committee Decision: Decision as per officer recommendation

Reasons for Refusal:

RECOMMENDATION: REFUSAL

1. The proposals through the construction of a new access road will result in the encroachment of urban development into the countryside. This together with its use as proposed would constitute inappropriate development failing to preserve the openness of the green belt and would conflict with the purpose of including the land within the green belt. Very special circumstances (which clearly outweigh this inappropriateness and other harm) has not been sufficiently demonstrated. The proposal is therefore contrary to policies LP32 and LP36, Part 2 (a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.
2. The proposals will result in an intensified use in HGV movements on the surrounding highway network including Cartworth Moor Road. Consequently, this will result in the further structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements. Cartworth Moor Road in part forms a core walking and cycling network. The intensified HGV's movements is likely to result in significant highway safety concerns from conflicts between HGV and other road users including vehicular, equestrian, cyclists and pedestrians, failing to safeguard and undermine the safety of all other users. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 Part 2 (points c, d and f).
3. The carrying out of the proposals will result in unacceptable noise nuisance to the occupants of the nearest noise sensitive receptor known as Moorfield Farm. It has not sufficiently been demonstrated how the detrimental impact from noise nuisance on the occupiers of Moorfield Farm can be mitigated against adequately. The proposals as such fail to comply with Kirklees Local Plan Policies LP36, Part 2(c) and LP52 and guidance in the National Planning Policy Framework
4. The submitted information fails to demonstrate sufficiently how the proposals would avoid causing potential detrimental effects on the existing

private water supplies serving a number of properties in the vicinity of the application site, to accord with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	10193A-01		03/10/2022
Proposed site/block plan	10193A-02		03/10/2022
Maximum excavation site plan	10193A-03		03/10/2022
Proposed site restoration plan	10193A-04		03/10/2022
Cabin elevations	10193A-05		03/10/2022
Proposed cross sections	10193A-06		03/10/2022
Proposed access details	1769 201 by Paragon Highways		03/10/2022
Proposed passing place location	1769-101A by Paragon Highways		03/10/2022
Site plan showing various areas within red line	10193A-02A		08/11/2022
Proposed works in Phase 1 – years 1-5	10193A-03 P1		18/11/2022
Proposed works in Phase 2 – years 5-10	10193A-03 P2		18/11/2022
Proposed works in Phase 3 – years 10-15	10193A-03 P3		18/11/2022
Proposed site cross sections - Phase 1 Year 1 to 5	10193A-06 P1		18/11/2022
Proposed site cross sections - Phase 2 Year 5 to 10	10193A-06 P2		18/11/2022
Proposed site cross sections - Phase 3 Year 10 to 15	10193A-06 P3		18/11/2022
Revised supporting statement	By MWP Planning		23/01/2023
Hydrogeological Risk Assessment	228/01/wrq/hra/1121, dated November 2021		08/11/2022
Transport Assessment	1769 (B) dated August 2022 by Paragon Highways		03/10/2022
Sound Impact	Dated 27 th June		03/10/2022

Plan Type	Reference	Version	Date Received
Assessment	2022 by S&D Garritt Ltd		
Preliminary Ecological Appraisal	Dated September 2022 by RDF Ecology		06/10/2022
Habitats Regulations Assessment	Dated September 2022 by RDF Ecology		06/10/2022
Record of Risk Assessment Results			03/10/2022
Record of Risk Assessment Model			03/10/2022

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. Additional and revised information was sought during the course of the application, as well as negotiations in an attempt to secure financial contributions towards the carrying out of maintenance and repair works to the surrounding highways, which would be required as result from the proposed increased HGV movements.

Report Dated: 13/03/2023