

28<sup>th</sup> September 2023

**Supplementary objection to Application 2023/91280:**

BROMLEY FARM QUARRY, BARNSLEY ROAD, UPPER CUMBERWORTH, HUDDERSFIELD, HD8 8PD  
QUARRYING OPERATIONS FOR THE EXTRACTION OF CLAY, SHALE AND INCIDENTAL COAL AND  
SUBSEQUENT RESTORATION BY MEANS OF IMPORTATION OF INERT WASTES

Dear Farzana,

This is an overview of our position on this Application and is informed by the papers that were submitted additionally as notified to objectors by the council on 8<sup>th</sup> September 2023. It should be read alongside **2023/28/08\_SUPP\_OBJ - Appendix 1** (attached).

**Appendix 1** includes a review of issues identified by the Local Planning Authority (LPA) and consultees in the original planning submission, and an independent assessment on whether the additional submissions by the developer adequately address these issues. The document also includes several points the application and supporting technical assessments fail to address completely. A red, amber, green rating has been applied to draw attention to areas of failing in the application.

We wish to make the **strongest possible** objection to these proposals on several counts: -

- The increased traffic associated with this development, the egress of the volume of HGVs onto an already busy road network, and the journey route to Wavin works at Crow Edge cause considerable health and road safety risk.
- The associated cumulative risk arising from other quarrying applications agreed by Kirklees Council has significant impacts on Air Quality, is to the detriment of residents, and contravenes the Local Plan and The Health and Well-being Strategy.
- This development expects residents to put up with considerably more onerous conditions than the previous application.
- The significant impact on noise pollution which has not been adequately assessed.
- The impact on the local environment, trees, and wildlife is significant.
- This development creates more harm than benefit to the local community.

As this application stands it contravenes the **Local Development Plan for Kirklees** in several areas – Aspects of **LP 21** and **LP 36** in particular. But also other parts of the plan.

**LP21** – It does not provide safe and suitable access and egress and presents an unacceptable risk to Highway safety for all road users.

**LP 36** – It will prejudice Highway safety through the volume and nature of vehicle movements generated, and cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport.

**LP51 and LP52** – In the absence of any cumulative assessment that provides evidence to the contrary, or that adequately evaluates impacts, this development will have “the potential” to increase pollution from noise, vibration, light, dust, or other forms of pollution including from increased traffic movements along. This impact is magnified substantially when the proposal is considered in a wider context of other mining and development activities.

We would assert that the ‘spirit’ of the Local Plan, to engage with residents, to understand the impacts on quality of life and the Place Shaping set out in Section 5.1, has been significantly ignored in this instance. The scope of this development and the lack of consultation, beyond 26 houses, is unreasonable. While it might minimally meet the statutory planning arrangements (although that is arguable as outlined below), given the spatial and temporal scale and scope of the development and transportation of materials, it breaches the Local Authority's duty to consult with its residents on such a major proposal.

The developer has not engaged locally despite the commitment of its parent company, Orbis, based in Mexico City to ...' *prevent negative impacts from our activities, whilst maximizing positive impacts through community engagement...our operational sites engage with representatives of stakeholders in the communities near our operations*' - Orbia social impact statement 2022.

We are aware of and have illustrated in **Appendix 1** the apparent disregard the developers have for responding to issues raised with them and believe that many claims and evidence presented are unreliable for the LPA making a decision. There are data gaps, information that illustrates bias, and significant manipulation of photographic evidence.

We would remind the LPA that just because a piece of land is designated in the Local Plan it **does not mean** that it should ultimately be accepted for the development proposed. Our legal advice has pointed out that the LPA MUST act with appropriate diligence and that it is for the detailed planning application process to demonstrate that it is suitable and safe for development and complies with both local and National planning processes.

### **Cumulative Impact Assessment**

This application and the supporting documentation gives *no assessment* of the cumulative impact that is drawn from this development in the context of this application proceeding alongside others that exist or are planned. It is submitted in isolation from all other forms of local development and at best even in those narrow terms is flawed.

We would highlight the fact that we are aware that quarrying activity has taken place in this immediate vicinity since 1899, the longest for any area in Kirklees and we appreciate that quarrying has to take place in an area where mineral is found. However, the development and repeated extensions to the workings of quarries, including extensions to land mass and excavation times have seriously impacted on this area.

We understand that 68% of extraction sites are now located in just 1% of the land in Kirklees. This represents a significant Cumulative Impact. This application as it stands is in contravention of **LP 36**, which requires the consideration of “***d. any Cumulative Impact arising from multiple impacts from individual sites and/or the number of sites in a locality***”. For the avoidance of doubt the **TABLE 1** below shows some of the current quarrying activity /extension within a 3km radius.

**TABLE 1 – Current quarrying activity /extension within a 3km radius**

|                          | <b>Henperch</b>                                                      | <b>Appleton</b>                                                                            | <b>Carr Hill Quarry</b>                                                  | <b>Bromley farm</b>                  | <b>Peace Wood</b>                         |
|--------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------|-------------------------------------------|
| <b>Planning no.</b>      | <b>2009/70/9180</b>                                                  | <b>2007/62/92432</b>                                                                       | <b>2011/91942</b>                                                        | <b>2023/91280</b>                    | <b>2023/62/91949/E0</b>                   |
| <b>Size</b>              | 240,000 tonnes<br>Extraction - 20,000 tonnes                         | 18 hectares in size<br>78,440 Stone<br>532, . 280 Aggregate<br>168,200 Clay (tonnage figs) | Site used for recycling of construction, demolition and excavation waste | 750,000 tonnes<br>Extraction 35,000- | 2.4 hectares<br>200,000 tonnes extraction |
| <b>Vehicle movements</b> | 30 loads per day – (application states no impact on public highways) | 49-51                                                                                      | 30 (15 each way)                                                         | 120 vehicle movement                 | 120 (60 in 60 out)                        |
| <b>Duration of works</b> | Until December 2031                                                  | A current planning application is with Kirklees.                                           | 31 <sup>st</sup> August 2025<br>Pending application with Kirklees        | 25 years from commencement           | 20 years                                  |
| <b>Route</b>             | A636 /635                                                            | A629/A635                                                                                  | A635                                                                     | A635                                 |                                           |

The addition of Bromley Farm quarry sees HGV vehicle movements in the area increase to more than **250 per day**. There is no cumulative impact that considers all the activity and the effect it will have on noise, pollution, and Air quality in the local vicinity.

In light of the number of developments that sit alongside these quarrying applications, there is an urgent need for the local planners and the Planning committee to see the bigger picture. A total impacts assessment is required urgently. This must consider the scale and scope of this mining activity alongside under construction/advanced planning of: -

- 62 houses on Inkerman Court – Barnsley Road
- 189 houses Cumberworth Road -Skelmanthorpe
- 44 houses on Station Road Skelmanthorpe
- 46 houses Greenside Mills Skelmanthorpe

Assuming a conservative 1 vehicle per household this equates to an additional 341 vehicles.

Therefore if they make just two journeys each day (return):

$$= 341 \times 4 = 1364 \text{ vehicle movements each day}$$

$$1364 \times 7 = 9548 \text{ movements per week minimum}$$

This is a conservative figure as most houses have 2 cars and the figure doesn't include visitor or delivery traffic.

## Transport Assessment

The transport assessment (Paragon, 2023) submitted as part of the planning application fails to consider the impact of local development, including mining activity in a 5km radius or of the housing developments above, or indeed the transportation route off the immediate site.

The data upon which it relies is weak and contains, inaccuracy and unquantified statements. We would like to highlight the following points: -

- The assessment shows completely unrepresentative photographs that do not show the reality of the A635 and its associated traffic.
- Where is the data on peak traffic flows referred to in paragraph 2.1.4?
- There is no route traffic assessment included
- Crash map data have proved unreliable for this area for years and do not reflect local experience as previously discussed during the Local Plan hearings.
- We would draw your attention to **Appendix 1** and the accident highlighted and to the fact that the journey will involve both the Sovereign cross-roads and Penistone Road junctions which have been the subject of internal council reports because of Safety issues.
- The report fails to consider parking on the A635 opposite the Bromley Park entrance, which would seriously impact on the right turn HGVs would make. This is illustrated in Photograph 1 below.

Photograph 1 – A635 (looking north-west).



- There is no assessment of traffic using the recycling site and the impact these movements will have on the operation of that facility.
- This proposal is in direct contravention of **LP 21**, failing to take into account the features of the surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely. We would remind the LPA that Carr Hill Road has no footpath for much of its length and that this potentially endangers the safety of road users. You have been given photographic evidence that quarrying vehicles are using this route and are in breach of Highways code 163.
- **LP36 Part 2** - It will prejudice highway safety through the volume and nature of vehicle movements generated, particularly when cumulative impact is considered, as is a requirement of the Local Planning Authority.

In short the traffic assessment report is woefully inadequate and can have no credibility. As can be seen from **Appendix 1**, it fails to answer the additional questions asked.

### **Noise and Air Quality Assessment**

There is inadequate assessment of baseline noise for an operation of this scale, and misleading statements and drawings on significance of the impact.

The author also seems unaware of the context of this application and the nature of other quarrying and development activities which will cause much noise, vibration, and air pollution to residents, both in the immediate vicinity and along the transportation route. Inaccuracies in the assessment are highlighted in **Appendix 1**.

### **Tree survey /Ecological Report & Biodiversity Assessment**

We consider the report to be grossly inaccurate about the value of the site, we know that there are hedgehogs, badgers, birds, and bats resident across the site, along with rare flower species. This failure to adequately assess and mitigate impact on the biodiversity is unacceptable. Photograph 2 shows wild orchids growing on the site, which residents have noticed have recently been dug up and removed as illustrated in Photograph 3. Location- What3words: ///automate.shrub.accompany

Photograph 2- wild orchids



Photograph 3 – wild orchids removed



### **Landscape, visual and neighbouring amenity**

The green infrastructure adjacent to this site includes the playing field at Eunice Lane and the Eunice Lane play area, and the public footpath running parallel to the site. The lack of attention to these, including the issues of site visibility runs contrary to the spirit of **LP 31**, and impacts significantly on the amenity of the residents and their children.

Allowing this development to proceed contravenes **LP 36-Part 2**, causing unacceptable detriment to the landscape, including its character and local visual amenity during extraction.

To conclude, we urge the Local Planning Authority to act with diligence and care, to fulfill its responsibilities to understand the context and cumulative impact of this application, and to recognize the breaches in the Local Plan.

We expect the LPA to reject this application.

Yours Sincerely,  
Cumberworth Quarry Action Group

## APPENDIX 1 - Supplementary Information Review

Independent review of the adequacy of supplementary information for addressing the concerns raised by the LPA and consultees, and inaccuracies raised by the Cumberworth Quarry Action Group. **RED** – **GREEN** rating (assessment adequate – inadequate).

| Topic   | Original summary of concern                                                               | Document reference (where concern raised)                                                                                   | Relevant document text (direct quote)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Has the concern been addressed by supplementary information (Y/N) | New document reference <sup>1</sup>                                       | Relevant 'new' document text (direct quote)                                                                                                                                                                                                                                       | Final comment                                                                                                                                                                                                                                                                                           |
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| Ecology | Landscape and Visual assessment – lack of consideration of actual trees/hedgerow/woodland | Consultation Response from KC, Trees<br><br>ID 1003932<br><br>Date Responded: 11/08/2023<br>Responding Officer: D. Atkinson | <i>Paragraph 4.2.5 of the Landscape &amp; Visual Impact Assessment appears to be incorrect. The restoration planting scheme (Drawing reference 22007/510) the plan shows an area of woodland immediately adjacent to the south boundary of the site. Magic Maps also shows a woodland area in that location. It also contradicts itself. Paragraph 4.2.5 say no trees will be affected, but Paragraph 5.3.1 says there will be a requirement to remove some small hedgerow trees within the site. The water treatment area and one of the overburdened mounds could be a threat to the woodland that is directly to the south due to their proximity to the woodland edge and water runoff, running downhill towards/into the woodland. Overall, there is a holding objection to the proposed extension because it is conflicting with Kirklees Council's adopted Policy LP33. For the objection to be removed, there needs to be: • Amendments to the Landscape &amp; Visual Impact Assessment • An assessment of the value of the trees proposed to be removed to facilitate the development. • Consideration about the site layout to provide better clearance of the woodland adjacent and inclusion of appropriate measures to protect the woodland from run-off soil contamination</i> | N                                                                 | Revised landscape and visual_2023-91280_+General_1006495<br><br>ID 987956 | 4.2.5 There are no <b>large</b> trees or woodland that would be affected by the proposed extension area <b>only small hedgerow trees which run through the centre of the site which will be removed</b> . The nearest woodland blocks are approximately 700 to 800m to the south. | Para 4.2.5 of the Landscape and Visual Assessment has been amended, as shown highlighted in the adjacent column, but there has been no further assessment of the value of the trees or site layout to provide better clearance of woodland, or protection of woodland from run-off soils contamination. |

<sup>1</sup> As notified 8<sup>th</sup> Sept 2023

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| Air Quality and Dust | Insufficient Air Quality and Dust Assessment | Consultation Response from: KC Environmental Health (Pollution & Noise Control)<br><br>ID 999721<br><br>Date Responded: 19th July 2023<br><br>Responding Officer: RM NH MN<br><br>Responding Ref: WK/202318499 | <i>Whilst we agree in principle with the methodology of the Air Quality and Dust Assessment, we do not agree with the approach taken as it is based on an extension to an existing quarry and not a new quarry operation as proposed. We also note that in paras 1.1 and 6.1.2, reference has been made to Grantham which is Lincolnshire and not Kirklees. Therefore, before the application is determined we require an Air Quality and Dust Assessment that reflects all operations associated with a new quarry, which includes all anticipated daily HGV movements to and from the site.</i> | N                                                                 | Revised air quality_2023-91280_+General_1006488<br><br>ID 1006488 | 5.3.1 The extension will be worked as a continuation of existing activities. No changes to the extraction rate or vehicle movements are proposed. The extension will be worked using the existing traffic movements of the recently restored Bromley Farm Quarry.<br>5.3.2 The proposed development will therefore not introduce any increase of Annual Average Daily Traffic (AADT) in terms of light-duty vehicles (LDV) or heavy-duty vehicle (HDV). Vehicle emissions from heavy-duty vehicles will, therefore, remain unchanged in comparison to the existing baseline.<br>An assessment of vehicular emissions is not required and can be concluded as not significant. | Reference to Grantham has been removed and replaced with Cumberworth however the assessment still assumes NO CHANGE to traffic movements.<br><br>There is no consideration of cumulative impact on the route between the quarry and Wavin. |
| Dust                 | Insufficient Dust Management Plan            | Consultation Response from: KC Environmental Health (Pollution & Noise Control)<br><br>ID 999721<br><br>Date Responded: 19th July 2023<br><br>Responding Officer: RM NH MN                                     | <i>Whilst we accept the measures to control dust emissions, we do not accept the Dust Management Plan as it is based on an extension to an existing quarry and not a new quarry operation as proposed. Therefore, before the application is determined we require a Dust Management Plan that reflects all operations associated with a new quarry.</i>                                                                                                                                                                                                                                           | N                                                                 | Revised air quality_2023-91280_+General_1006488<br><br>ID 1006488 | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No update to the dust management plan, and it still refers to a quarry extension.                                                                                                                                                          |



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|                   |                                                        | Responding Ref: WK/202318499                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                   |                                                                       |                                                                                                                                                                                                                            |                                                                                                                        |
| Contaminated Land | Phase 2 assessment required prior to determination     | <p>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</p> <p>ID 999721</p> <p>Date Responded: 19th July 2023</p> <p>Responding Officer: RM NH MN</p> <p>Responding Ref: WK/202318499</p> | <p><i>A preliminary conceptual model is presented in Table 15 of the report where several potential pollutant linkages have been identified and an overall low to moderate risk has been attributed for the site. The report concludes that a Phase 2 investigation is necessary and should include soil sampling, ground water monitoring and sampling, surface water sampling and ground gas monitoring. For ground gas monitoring the report is specific in recommending monitoring at two weekly intervals until the completion of 6 visits and states that the programme must include a minimum of 2 visits under optimal monitoring conditions of low and falling atmospheric pressure. We are generally satisfied with the report provided. The site is on historic landfill and considering the potential pollutant linkages identified, we require the applicant to provide the results of the site investigation with the submission of a Phase 2 Investigation Report before the application is determined. We withhold all other contaminated land comments until further notice.</i></p> | N                                                                 | NA                                                                    | NA                                                                                                                                                                                                                         | No further information has been submitted in the supplementary information. An adequate phase 2 assessment is required |
| Noise             | Unclear assessment of HGV movements and crushing plant | <p>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</p> <p>ID 999721</p>                                                                                                               | <p><i>There is some confusion on the number of daily HGV movements as para 6.1 states there will be 6 HGV movements per hour (peak) associated with mineral export and waste importation whereas in para 8.2.3, it states there will be a maximum of 12 movements per hour (6 in and 6 out). Para 8.2.4 refers to a total</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Y                                                                 | <p>Revised 2023-91280_+Noise+Assessment_1006490</p> <p>ID 1006490</p> | <p>8.2.3 For 30,000 tpa, over a 48 week working year, a maximum of 120 HGV movements per day (60 in, 60 out) is required to cope with peak periods of high demand. 12 movements per hour as a maximum (6in, 6out) have</p> | Clarifications made, and assessment outputs unchanged.                                                                 |



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|       |                                                                              | <p>Date Responded: 19th July 2023</p> <p>Responding Officer: RM NH MN</p> <p>Responding Ref: WK/202318499</p>                                                                                                                                           | <p><i>of 60 movements per day which equates to 12 movements over 5 hours and this will need to be clearly stated. It is also unclear if any mobile crushing plant is to be used as this is not referred to in the submitted noise assessment. The applicant is advised to submit a further/addendum report before the application is determined to consider any additional HGV movements and/or if any mobile crushing plant or other equipment is to be used.</i></p>                                                                                                                                                                                                                                                                                  |                                                                   |                                     | <p><i>been included in the noise modelling calculations. 12 movements per hour is considered the maximum number practically from an operational perspective due to the low numbers of mobile plant on site to manage loading and unloading of mineral and waste.</i></p> <p><i>8.2.4 The 120 movements (60 in, 60 out) includes the importation of inert waste for restoration when a sufficient void has been created for this to be undertaken. This is expected to be approximately during the working of Cut 3.</i></p> |                                                                                                                                                                       |
| Noise | Misunderstanding of assessment outcomes by KC Environmental Health reviewers | <p>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</p> <p>ID 999721</p> <p>Date Responded: 19th July 2023</p> <p>Responding Officer: RM NH MN</p> <p>Responding Ref: WK/202318499</p> <p>+ Objection ID 1005754</p> | <p><i>The KC response states: "Based upon assumptions and worst case scenarios as stated in para 8.2, the predicted noise levels are shown in tables 5.1 through to 5.6. Reference is made to the Minerals Planning Practice Guidance to the NPPF which states "Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900)". All of the tables show the noise levels will meet with this limit and are therefore acceptable to all of the nearest NSRs."</i></p> <p><b>This statement is incorrect. The tables within the noise assessment report</b></p> | <b>N</b>                                                          | NA                                  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Re-review of the noise assessment by the KC Environmental Health team is requested, <b>due to some key assessment conclusions which have been incorrectly quoted.</b> |

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|                     |                                                               |                                                                                                                                                                                                                   | show the 10dB criteria to be surpassed under all modelled scenarios at most NSRs and the council should re-review the assessment.                                                                                                                                                                        |                                                                   |                                            |                                             |                                                                                                                                                                                                                                                                                                                                         |
| Noise               | Inadequate baseline data for timeframe and scale of operation | Objection<br>ID 1005754<br><br>Making reference to the Noise Assessment ID 1006490 quoted adjacent                                                                                                                | 4.4 A noise measurement of 1hr duration (1hr LAeq) comprising 15 minute intervals was recorded on the 14th April 2022 at 62 Cumberworth Lane, Lane Side Farm and 43 Cumberworth Lane at 10.53am, 12.12pm and 13.29pm respectively                                                                        | N                                                                 | NA                                         | NA                                          | The comparison of likely noise pollution against such a narrow baseline dataset is very likely to underestimate the true noise impact over the proposed working days, hours and period and is completely inadequate for the size and nature of the proposed development, and will not present a conservative assessment as is required. |
| General             | Inconsistency in HGV movements assessed                       | Consultation<br>Response from: KC Environmental Health (Pollution & Noise Control)<br><br>ID 999721<br><br>Date Responded: 19th July 2023<br><br>Responding Officer: RM NH MN<br><br>Responding Ref: WK/202318499 | We recommend that for consistency all new technical reports should specify the same anticipated vehicle movements (including HGVs) and that it is made very clear if these vehicle movements are one-way or two-way.                                                                                     | TBC                                                               | Various                                    | NA                                          | NO additional information or report provided                                                                                                                                                                                                                                                                                            |
| Highways Structures | Structural assessment inadequate                              | Consultation response ID 1007232 12/09/2023<br><br>Farhad Khatibi<br>Bridges & Structures Manager Structures Section Highways and                                                                                 | Again, this is linked to the advice I provided in my e-mails dated 7th and 10th July 2023, in that we will require suitably scaled and fully dimensioned X-sectional details across the proposed mound and extractions adjacent to Cumberworth Lane, to assess their impact on the adjoining highway and | TBC                                                               | 2023-91280_+Proposed+Site+Sections_1006484 | NA                                          | Some cross sections have been provided. For the KC structures team to review and decide.                                                                                                                                                                                                                                                |

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|                                         |                                                                             | Street scene Kirklees Council                                                                           | <i>determine whether this proposal would require a formal technical approval (via submission of an AIP).</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                                                            |                                             |                                                               |
| Network Rail                            | Requirement for a planning condition to protect Network Rail infrastructure | Network Rail consultee response<br>ID 1007143<br><br>Aaron Walsh                                        | <i>Condition: If old workings are intersected by the excavation, Network Rail require any such workings in the sidewall alongside railway property to be sealed with clay to prevent the ingress of water into any old workings beneath railway property. Where any such workings are encountered, Network Rail requires to be notified, prior to the construction of clay seals and backfilling, to enable an inspection to be made.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>N</b>                                                          | NA                                                                         | NA                                          | No supplementary information provided                         |
| Visual impact (conservation and design) | Insufficient mitigation screening                                           | Consultation Response from KC, Conservation & Design<br><br>ID 999600<br><br>Date Responded: 18.07.2023 | <i>The report does indicate that there is some mitigation for the proposals with the row of existing planting along the northern boundary. This is however not continuous and does not run the length of the northern boundary. The proposals will also include a stated 5m screening mound. While this will provide some form of visual mitigation, it will create an obtrusive feature. There will also be the introduction of a more formalised access track, which will run to the immediate south of Lane End House and will be entirely visible as there is a break in the mature hedge/ planting. We consider that additional planting of hedging is required to provide further migration. The current proposals will only provide modest mitigation.<br/>...<br/><br/>As presented, we consider that as set out there are certain elements which require further consideration. Including</i> | <b>N</b>                                                          | Revised landscape and visual_2023-91280_+General_100 6495<br><br>ID 987956 | NA                                          | No update on this item in the landscape and visual assessment |

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|-----------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------------|----------------------------------------------------------------------|
|                                         |                                                                           |                                                                                                                                                   | <i>the route of the access track and the addition of further planting to the northern boundary.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                   |                                     |                                             |                                                                      |
| Visual impact (conservation and design) | Inappropriate access track route                                          | Consultation Response from KC, Conservation & Design<br><br>ID 999600<br><br>Date Responded: 18.07.2023                                           | <i>We consider that there is a need to give further consideration to the location and route of the access track. We would query whether the access track would be relocated and positioned further to the south. In addition, we consider that additional planting would be required to the northern boundary.<br/>...<br/>As presented, we consider that as set out there are certain elements which require further consideration. Including the route of the access track and the addition of further planting to the northern boundary.</i> | <b>N</b>                                                          | NA                                  | NA                                          | No further consideration has been presented/assessed                 |
| Visual impact (conservation and design) | Length of operation and post-use                                          | Consultation Response from KC, Conservation & Design<br><br>ID 999600<br><br>Date Responded: 18.07.2023                                           | <i>Consideration also needs to be given to the length of the quarrying operation and the treatment of the site post-use</i>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>N</b>                                                          | NA                                  | NA                                          | No further consideration has been presented/assessed                 |
| Surface water management / flood risk   | Approval subject to submission of sufficient surface water discharge plan | Consultation Response from KC, Lead Local Flood Authority<br><br>ID 998122<br><br>Date Responded: 5th July 2023 Responding Officer: Paul Farndale | <i>Kirklees Flood Management &amp; Drainage acting as Lead Local Flood Authority can SUPPORT this application subject to the following condition.<br/><br/>DR04/5 (Amended) Surface Water Discharge Rates Development shall not commence until a scheme restricting the rate of treated surface water discharge from the site to a maximum of 5 litres per second per hectare or 3 litres per second, whichever is the higher, has</i>                                                                                                          | <b>N</b>                                                          | NA                                  | NA                                          | No document has been made available which satisfies this requirement |

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| Topic                | Original summary of concern                          | Document reference (where concern raised)                                                                                                                   | Relevant document text (direct quote)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Has the concern been addressed by supplementary information (Y/N) | New document reference <sup>1</sup> | Relevant 'new' document text (direct quote) | Final comment                                                                                                             |
|----------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
|                      |                                                      |                                                                                                                                                             | <p>been submitted to and approved in writing by Local Planning Authority. The excavated area shall provide attenuation in the first instance. The scheme shall include a detailed operation and maintenance/management regime for the treatment facility including the flow restriction. The approved maintenance and management scheme shall be implemented throughout the lifetime of the proposed works.</p> <p>Advice Note Any settlement of solids is a treatment of waste water and appropriate licence agreements should be sought from the Environment Agency.</p> |                                                                   |                                     |                                             |                                                                                                                           |
| Contaminated Land    | Approval subject to remediation strategy             | Environment Agency consultation response<br>Our ref: RA/2023/145975/01-L01<br>Your ref: 2023/91280<br>ID 997646<br>5 <sup>th</sup> July 2023<br>Bev Lambert | Condition: No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.                                                                                                                                                                                                                                                               | N                                                                 | NA                                  | NA                                          | No remediation strategy has been made public                                                                              |
| Air quality and Dust | Incorrect assessment criteria, inadequate assessment | Objection<br>ID 1005754                                                                                                                                     | The assessment states that 'the distance to a dust-generating source is screened to distances of 250 m for a soft-rock quarry and 400 m for a hard-rock quarry'. The assessment then uses the 250m screening distance, stating that this criteria has been used due to the extraction of clay, a soft rock. The quarry proposals are however also for shale, a hard rock, therefore the assessment must include receptors within 400m and is currently insufficient.                                                                                                       | N                                                                 | NA                                  | NA                                          | The dust assessment does not comply with the industry standard, and needs to consider a wider screening distance of 400m. |

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|---------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic | Previous traffic movements associated with infill of the old quarry | 2012/62/93497/E0/GW<br><br>22/11/2012<br>Comments from highways DM<br><br>APPLICATION FOR THE IMPORTATION HDC Ref. No. K17-3/6 OF INERT MATERIALS TO STABILISE THE QUARRY FACES AND AMEND THE Highway Officer Mark Berry RESTORATION PROFILE, ALSO FOR THE O. S. Ref. 253 088 FORMATION OF A SECONDARY SITE ACCESS<br><a href="#">Planning application details   Kirklees Council</a> | <i>If planning is minded to approve this application the following conditions should be attached to the Decision Notice. There shall be no more than 40 heavy goods vehicle movements (20 in and 20 out) at the site in any one day.</i>                                                                                                                                                                            | N                                                                 | NA                                  | NA                                          | The HGV traffic associated with the new quarry (120 pd, 60 in, 60 out) is significantly more than that permitted under the planning permission for the restoration of the old adjacent quarry.<br><br>Any assessment which refers to no change from previous arrangements is incorrect. |
| Traffic | Inadequate traffic assessment                                       | NA (Raised by Cumberworth Quarry Action Group and various objections)                                                                                                                                                                                                                                                                                                                 | <b>Traffic Statement prepared by Paragon Highways</b><br><br><b>Revised Transport Statement Rev A</b><br><br><b>ID 1006481</b><br><br><i>2.1.4 Access to the site will be from the A635 Barnsley Road. The A635 is a class 1 highway and is a two-way single carriageway at this point. It is the subject of a 40-mph speed limit. Traffic movements along the route are moderate with a noticeable increase in</i> | N                                                                 | N/A                                 | N/A                                         | The "noticeable increase in traffic movements" is not quantified.<br><br>Does this increase take traffic movements out of the moderate category? What is the effect of the increase in movement and how does this impact on other considerations within this report?                    |

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|---------|--------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                                    |                                                                       | <i>traffic movements at the recognised peak times.</i>                                                                                                                                                                                                                                                                                                                                 |                                                                   |                                     |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Traffic | Inadequate traffic assessment                                      | NA (Raised by Cumberworth Quarry Action Group and various objections) | <b>Traffic Statement prepared by Paragon Highways</b><br><br><b>Revised Transport Statement Rev A</b><br><br><b>ID 1006481</b><br><br><i>2.1.5 On the approach to the site access on the A635, from both directions, there is central carriageway hatching and slow markings and with a right turn pocket when approaching from the direction of Denby Dale. See photograph below.</i> | N                                                                 | N/A                                 | N/A                                         | The photograph referred to is taken from a view towards Denby Dale. The right turn pocket is not visible on the photograph. It is not possible to assess whether or not the pocket is suitable to accommodate more than one vehicle, especially HGVs, when the entrance to the access road is blocked by traffic exiting onto the A635.                                                                            |
| Traffic | Cumulative traffic effect in consideration of surrounding quarries | NA (Raised by Cumberworth Quarry Action Group and various objections) | <b>Traffic Statement prepared by Paragon Highways</b><br><br><b>Revised Transport Statement Rev A</b><br><br><b>ID 1006481</b><br><br><i>2.1.10 The injury accident record does not indicate a road safety problem that would warrant treatment or be a cause for concern as a result of the minor additional use of the quarry at its proposed level of operation.</i>                | N                                                                 | NA                                  | NA                                          | The preceding paragraphs reveal that the report is restricted to consideration of the impact of additional HGV traffic only in the immediate vicinity of the access road. No consideration is given to the effect of up to 120 additional HGVs per day elsewhere along the proposed/available routes or to the cumulative effect of these and other vehicles operating from other quarrying sites in the vicinity. |
| Traffic | Insufficient passing room                                          | NA (Raised by Cumberworth Quarry Action Group and various objections) | <b>Traffic Statement prepared by Paragon Highways</b><br><br><b>Revised Transport Statement Rev A</b><br><br><b>ID 1006481</b><br><br><i>3.1.8 The access is some 7.4 metres wide with 7.0 metre kerb radii. The access narrows to approximately 5.3 metres in</i>                                                                                                                     | N                                                                 | NA                                  | NA                                          | At the point where the road narrows to 5.3 metres there is unlikely to be sufficient room to allow two or more HGVs to pass.                                                                                                                                                                                                                                                                                       |



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|----------------------|-------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                                           |                                                                       | <i>width some 30 metres or so from its junction with the major road. This widens out to an average of 5.5 metres beyond this point.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                     |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Traffic - cumulative | Unacceptable levels of cumulative traffic | NA (Raised by Cumberworth Quarry Action Group and various objections) | <b>Traffic Statement prepared by Paragon Highways</b><br><br><b>Revised Transport Statement Rev A</b><br><br><b>ID 1006481</b><br><i>4.1.3 The National Planning Policy Framework was first published in March 2012 and was updated most recently in July 2021. The framework sets out the Government's planning policies for England and how these are expected to be applied. It recommends that new development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.</i> | N                                                                 | NA                                  | NA                                          | <p>The report does not address the issue of highway safety, acceptable or otherwise, save in respect of the very limited consideration given to the impact of traffic movements in the immediate vicinity of the site access.</p> <p>No consideration is given to the cumulative impact on the road network but it is acknowledged that there is a noticeable increase in traffic movements at recognised peak times. This observation is based upon existing volumes of traffic and does not include the additional traffic movements resulting from the proposed development or the cumulative increase in traffic from this and other sites. (see para 5.1.2) When these are taken into account is the residual cumulative impact on the road network severe?</p> |