

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:	2023/62/91280/E0
Site Address:	Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD
Description:	Quarrying operations for the extraction of clay, shale and incidental coal and subsequent restoration by means of importation of inert wastes
Recommending Officer:	Farzana Tabasum

DECISION - Conditional Full Permission – Approve

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 19/06/2025

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 06/03/2025

Application Number: 2023/91280

Officer Recommendation: To approve subject to receiving a Unilateral Undertaking from the applicant, confirming that the coal extracted from the site shall not be exported from the site

Committee Decision: In accordance with the officer's recommendation

Summary of Committee Decision:

RESOLVED

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:

- (a) complete the list of conditions including those contained within the report, and
- (b) secure a unilateral undertaking from the applicant confirming that the coal extracted from the site will not be exported from the site.

Post Committee Update

After the resolution of committee, the applicant submitted a unilateral undertaking on 01/04/2025. Following consideration of this by the Council's Legal Team and some minor amendments, the Unilateral Undertaking was completed and signed for on 13/05/2025.

An initial set of draft conditions were shared with the applicant's agent, who agreed to them. The final amended version (below) has also been shared with and agreed to by the applicant/agent.

Cllr Taylor has also been sent a copy of the final set of conditions and advised the decision notice will be issued by 20th June 2025.

Conditions and Reasons

General

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

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

Time Limits & restrictions

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

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 Policies LP30, LP32, LP35, LP36, LP37, LP43 and guidance within the National Planning Policy Framework.

3. The working and restoration of the site shall be carried out in complete accordance with the following approved plans and documents:

- Cut sequence – drawing reference 22007/502
- Cut 1 extraction - drawing reference 22007/503
- Cut 2 extraction - drawing reference 22007/504
- Cut 3 extraction - drawing reference 22007/505
- Cut 3 with waste import - drawing reference 22007/505a
- Cut 4 extraction - drawing reference 22007/506
- Cut 4 with waste import - drawing reference 22007/506a
- Cut 5 extraction - drawing reference 22007/507
- Cut 5 with waste import - drawing reference 22007/507a
- Cross sectional details - drawing reference 22007/509
- Cross sectional details - drawing reference 22007/511
- Long sections - - drawing reference 22007/514
- Proposed site access & phasing plan (planting along northern and south western boundaries) - drawing reference 22007/515
- Site access sections - drawing reference 22007/516
- Bund, fence & tree planting along proposed access road, details-received 07/11/2023,
- Restoration planting scheme with level details - 22007/510 and the Supporting Statement dated May 2023 Rev B.

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 Policies LP36 and LP37 and guidance within the National Planning Policy Framework.

4. The extraction of minerals and the removal of all buildings, plant and machinery shall have been completed and the site restored to agriculture land achieving the levels and to include tree and shrub planting in accordance with and approved restoration drawing ref 22007/510 by 31/03/2050.

Reason: In the interests of visual amenity, openness of the Green Belt and to ensure the landscape proposals integrate well with the surrounding local amenity and character of the area, in accordance with Policies LP30 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance

5. From the commencement of this planning permission to the completion of the development hereby permitted, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be kept on display at the site for inspection during normal working hours.

Reason: For the convenience of investigatory bodies, all those working on the site, for the avoidance of doubt and to ensure that the site is operated in accordance with the requirements of this planning permission.

6. Prior to the commencement of the development, including site preparation and clearance, excluding the additional tree planting along the north and south western boundaries, protected species surveys shall be carried out and completed by an appropriate qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the ecological report carried out by RDF Ecology, dated 05/06/2024 and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development, including the need for any additional surveys. The survey report(s) together with an ecological mitigation strategy detailing the precautionary measures to be taken throughout the construction phase, in order to ensure that there are no impacts on the protected species, as appropriate, shall be submitted to and approved in writing by the Mineral Planning Authority prior to the implementation of the development. Thereafter the development shall be undertaken in accordance with the approved mitigation strategy.

Reason: In the interests of preserving and enhancing the natural environment in accordance with Policies LP30 and LP37 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations being carried out that could harm protected species on and adjacent to the development site.

7. The mitigation measures and recommendations, including the protection for nesting birds as described within the submitted Preliminary Ecological Appraisal, dated June 2023 shall be adhered to at all times. No site clearance works shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a cautious, detailed assessment of the site for 'active birds/nests' immediately before the site is cleared and provided written confirmation to the Mineral Planning Authority, that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young, in accordance with Policy LP30 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Prior to commencing the exportation of minerals, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The BEMP shall include

a biodiversity net gain of 11.47 habitat units and net gain in hedgerow units of 0.3 in accordance with the details in the submitted Preliminary Ecological Assessment and shall include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers fully functioning biodiversity objectives. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

Reason: In order to ensure the development provides ecological enhancement and creates measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Prior to the exportation of minerals from the site and notwithstanding the submitted restoration plan, a detailed restoration landscaping scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall detail the progressive restoration of the site to an agricultural use, achieving the approved levels and contouring as shown on drawing 22007/510, dated Jan 2023, titled 'Restoration Planting Scheme. Furthermore, the scheme shall include:

- A) soft landscaping details for all of areas within the application red line,
- B) spreading and depths of subsoil and topsoil over the areas to be restored to agricultural use;
- C) materials and depth to be placed on the surface of the final waste deposit;
- D) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
- E) details of cultivation techniques and equipment to be used;

- F) grass seeding of areas to be returned to agriculture including details of proposed seed mixture, including species and seed rate, and
- G) reconstruction of drystone walls, provision of gates and fences in the local style;
- H) new hedgerow and tree planting (including along northern and south western boundaries) with details of species, numbers etc
- I) a land drainage scheme for the restored land to be implemented after the completion of settlement
- J) the removal of all plant, machinery, structures, all storage/screen mounds; and
- K) A programme of works/phases and timescales for all of the above.

Thereafter the restoration works shall be fully implemented in accordance with the approved details / timescales, with the Mineral Planning Authority being notified in writing seven days prior to the spreading of subsoil or topsoil of each phase. For a period of five years after planting, any tree or shrub which fails or dies shall be replaced in the next available planting season until established.

Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring so as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework. (see footnote below)

10. No mineral extraction / excavations shall take place beyond the areas, levels and depth shown on drawings:

- Cross-Sections drawing ref: 22007/509
- Cuts Sequence drawing ref: 22007/502
- Cut 1 Extraction drawing ref: 22007/503
- Cut 2 Extraction drawing ref: 22007/504
- Cut 3 Extraction drawing ref: 22007/505a
- Cut 4 Extraction drawing ref: 22007/506; and
- Cut 5 Extraction drawing ref: 22007/507a

Reason: To minimise the risk of pollution of watercourses and aquifers, restrict disturbed areas to not extend beyond those identified on the approved plan and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

11. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected around root protection areas or canopies whichever is larger, of the broadleaved woodland adjacent to the sites south east boundary. During the development the fenced-off area shall not be used for machinery or storage of materials, spoil heaps or washing off of concrete and burning of waste.

Reason: So as to protect to viability of the mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and the National Planning Policy Framework. This pre commencement condition is

necessary to ensure the adjacent trees are protected during the carrying out of works on site.

12. Prior to the commencement of development, including ground works, a geophysical survey in the form of a written scheme of archaeological investigation (WSI) shall be carried out to establish potential archaeological interest, details of which shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include:

- A statement of significance and research objectives;
- A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

Prior Cessation

13. In the event of prior cessation of mineral extraction / land filling operations, prior to the achievement of the completion of the approved restoration land levels as shown on drawing 22007/510 titled 'Restoration Planting Scheme', a revised reclamation scheme to include details of restoration, aftercare and a timetable for implementation shall be submitted in writing for the approval of the Mineral Planning Authority, within 6 months of the permanent cessation. The scheme shall provide for:

- a) Backfilling of the quarry void and details of subsequent even grading of the site to achieve acceptable post restoration gradients
- a) Plans indicating post restoration ground levels on the site by contour and cross section, areas to be restored to agricultural land and any hedges, walls or enclosure to be created on the site
- b) Replacement of stored overburden, removal of screen mounds, and details for soil replacement including depths of subsoil and topsoil to be replaced
- c) Details for the establishment of a grass sward of the whole site to be restored for agricultural use
- d) Enhanced biodiversity interests
- e) Aftercare details
- f) A post-restoration drainage scheme.

- g) A time table for the implementation of all of the above works

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

Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and Section 17 of the National Planning Policy Framework Policy Framework.

Access, highways and vehicular movements

14. No winning (excluding soil stripping) and workings shall commence until a detailed scheme for the widening of the shared access road from A635 Barnsley Road to the quarry access, as shown on drawing ref: 22007/519, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include construction specifications, white lining, drainage, signing, and surface finishes. All of the approved works shall be implemented before winning and workings commence on site, and shall thereafter be so retained.

Reason: In the interests of highway safety and to achieve a satisfactory access and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order), any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 17m from the back of the junction with the shared access road, as indicated on drawing No 101A by Paragon Highways, and shall be hung as to only open inwards (to the site). So long as such gates or barriers are in position they shall be retained as only opening inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the access road and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

16. No winning (excluding soil stripping) and workings shall commence until a detailed scheme of works for the approved quarry access road as shown on the drawing referenced 101A by Paragon Highways has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include drainage details and surfacing details for the full length of the access road. The access road shall be completed in accordance with the approved details, prior to mineral extraction commencing.

Reason: In the interest of highway safety and to prevent loose surface material from being carried on to the shared access road and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

17. The maximum number of heavy goods vehicle trips to and from the site shall not exceed 60 inward and 60 outward Monday to Saturday, with no heavy goods vehicle trips on Sunday and Bank Holidays.

Reason: In the interests of highway safety and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

18. All heavy goods vehicles (HGV's) exporting any minerals extracted from the site shall only follow the route shown on drawing reference 22007/517 Rev A, by Silkstone, titled 'HGV routing plan'.

Reason: In the interests of highway safety, to prevent HGVs associated with the development using and damaging less suitable unclassified rural roads in and around the surrounding area, in accordance with Local Plan Policies LP21 and LP36 and guidance in the National Planning Policy Framework.

19. Prior to development commencing, details of the wheel bath shall be submitted to and approved in writing by Mineral Planning Authority. Thereafter the approved wheel bath shall be provided in the approved location as shown on drawing 22007/513 Rev B, prior to stripping of any soils on site and maintained in good operational condition and used for wheel cleaning for the lifetime of the permission.

Reason: This pre-commencement condition is necessary to prevent material being deposited on the access road or highway, in the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

20. All measures, including the use of the road sweepers and jet washes, in addition to the wheel wash facility approved by condition 18, shall be taken to minimise the deposit of mud, grit and dirt on the public highways by vehicles travelling to and from the site.

Reason: To prevent material being deposited on the access road or highway, in the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

21. All loaded HGV's leaving the site shall have their loads sheeted.

Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

22. Prior to development commencing, an Access Management Plan shall be submitted and approved in writing by the Mineral Planning Authority. PA. This plan should include details of:

- Details of how access will be managed to ensure passage is made available to HGV traffic wishing to enter the quarry site without requiring them to wait on the shared access road.
- Details of responsibilities and procedures for checking that no mud or debris is still clinging to the HGVs leaving the site, that may be deposited on the access road or adopted highway.
- Details of responsibilities and procedures for checking and ensuring that all loads are safely stored and that there is no opportunity for materials in the load to be deposited on the shared access road or adopted highway network.

- Details of responsibilities and procedures for allowing emergency service access into the site.

Reason: This pre-commencement condition is necessary to ensure highway safety is not compromised and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

23. Parking of all quarry associated vehicles shall be confined to an area within the application red line, details of which shall be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of mineral extraction. Thereafter the parking areas shall be kept clear of all obstructions and made available for vehicle parking, to all visitors and employees, throughout the lifetime of the development.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

24. The site operator shall at all times keep a record of all HGV's movement in and out of the site and shall provide evidence of the record on written request by an officer of the Mineral Planning Authority within three days of the request.

Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring so as to ensure that the approved works are being carried out in accordance with the approved details and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

25. There shall be no vehicle access or egress, in association with the operations of the approved developments onto Cumberworth Lane.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework.

4. Preparatory/soil stripping works

26. All drystone walls on the site shall be dismantled in advance of soil stripping and the stone shall be stockpiled in locations on the site, which shall have been previously agreed in writing with the Mineral Planning Authority, for use in the future restoration of the site, pursuant to condition 9.

Reason: To ensure the satisfactory restoration of the site and to accord with Kirklees Local Plan Policies LP36 and LP37 and Section 17 of the National Planning Policy Framework.

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

Reason: 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 and to accord with Kirklees Local Plan Policies LP36 and LP37

28. Prior to the excavation of overburden and minerals from any part of the site, all available topsoil and subsoil shall be stripped separately from any areas from which minerals are to be extracted or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads and other areas to be traversed by heavy machinery. Until required for carrying out restoration, the top and sub soils and overburden shall be stored separately in accordance with details shown on:

- drawing reference 22007/515, titled 'proposed site access and phasing plan'
- the recommendations contained within the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1), and
- the drawing titled 'contaminated soils area and storage', reference 22007/515, contained within Appendix A, of the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1),

The top and sub soils and overburden shall be kept free from contamination for use in the subsequent restoration of the site.

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 and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

29. Within one month of completing soil stripping, the Mineral Planning Authority shall be advised in writing of volumes of topsoil and subsoil stripped and stored in mounds, pursuant to the requirements of condition 28.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring and to accord with Policy LP36 of the Kirklees Local Plan.

30. Prior to the extraction of mineral from any phase of the development, the construction of all screen bunds and mounds, using on site material only, shall be completed in accordance with drawing references 22007/504, 22007/514, and 22007/515 and, notwithstanding the height details, the details contained in the revised Noise Assessment by Silkstone Environmental Ltd dated: January 2023 (Revised August 2023). Thereafter the screen bunds shall be retained throughout the duration of development or until material from the screen mounds are required to be used to complete restoration works on this site, with the south west mound to be removed only after the backfilling of the last cut.

Reason: To ensure that adequate measures are taken to mitigate any potential impact to nearest noise sensitive properties, in the interests of visual amenity and to accord with Sections 15 and 17 of the National Planning Policy Framework and Kirklees Local Plan policies LP36 and LP52.

31. The surface and slopes of the soil storage mounds to be implemented in accordance with condition 30, shall be evenly graded seeded, and, within three months of being formed, a grass sward established. Thereafter the grass sward shall be regularly managed and maintained to control the growth of weeds and rank vegetation.

Reason: In the interest of visual amenity, to prevent the proliferation and spread of weeds into neighbouring land and the retention of existing soils on site for use in the restoration of the site for a beneficial after use and to accord with Policies LP36 and LP37 of the Kirklees Local Plan and Sections 15 and 17 of the National Planning Policy Framework.

5. Working programme

32. At least seven days written notice shall be given in writing to the Mineral Planning Authority before:

- preparatory works listed in condition 28 above, commence,
- entering into a new cut commencement of and completion of backfilling in each phase,
- completion of phased restoration and the
- completion of the final restoration.

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 and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

6. Restoration

33. Only inert wastes (including excavation/demolition waste/material) not capable of producing polluting leachate shall be imported into the site for restoration purposes, to achieve the final restoration levels as approved on drawing reference 22007/510 by Silkstone, after allowance is made for depth of sub and top soils for restoration.

Reason: To ensure that the development does not contaminate / pollute land or have a significant adverse impact on existing water regimes, to ensure the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP37 and LP43 Section 17 of the National Planning Policy Framework.

34. The final 650mm of overburden shall consist only of clean material or subsoil and shall be wholly free of obstacles likely to impede subsequent cultivation. Any rock, boulder or stone larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface to a depth of 300mm and not buried within the respread overburden.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

35. After overburden has been replaced it shall be evenly graded and ripped to relieve compaction to a depth of 450 millimetre at 1 metre spacings using winged tines.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

36. Before any top or subsoils are respread back into the site, the Mineral Planning Authority shall be given at least 7 days' notice in writing of the completion of the works which are required by conditions 34 and 35 above.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring to ensure the satisfactory restoration of the site is being carried out and to accord with Policies LP36 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

37. A minimum depth of 500mm of subsoil or subsoil making materials shall be spread over the backfilled overburden material.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

38. After subsoil has been spread in compliance with condition 37, it shall be evenly graded and the surface of the land shall be ripped and cross ripped to relieve compaction to a depth of 450mm using winged tines at no greater spacing than 1 metre. Any rock, boulder, or stone larger than 75mm across or any other object capable of impeding subsequent cultivation of the site which is brought to the surface shall be removed.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

39. On completion of the works required by conditions 37 and 38, a minimum depth of 150mm of topsoil shall be spread evenly over the surface of the site.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

40. Within three months of the restoration of the final topsoil layer, a topographical plan of contours at 1-5 metre intervals, to indicate the final restored landform of the site, together with a record of the depth and composition of the reinstated soil profiles, shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: So as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

7. Amenity

41. No activities associated with the hereby approved development shall take place outside the hours of:

- Monday to Friday: 0700hrs to 1800hrs
- Saturday: 0730hrs to 1300hrs Saturdays
- No activities associated to the proposals shall take place on Sundays or Bank Holidays except in emergencies to maintain safe quarry working, details of which shall submitted in writing to the Mineral Planning Authority as soon as practicable.

Reason: To ensure that the proposals do not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

42. The site shall be operated in accordance with all the recommendations and the mitigation measures set out in Appendix E, Dust Management Plan by Silkstone Environmental Ltd (dated: January 2023), of the Air Quality and Dust Assessment by Miller Goodall (ref:102882-2) (dated: 3rd October 2023) and adhered to at all times throughout the lifetime of the quarry operations until completion of all restoration works.

Reason: To safeguard the amenities of nearby residents, highway safety and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

43. Any daytime (0700 - 1800) operational noise, shall not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours when measured at any noise sensitive property. Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).'

Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

44. Any operational noise produced by temporary operations shall not exceed 70dB LAeq(1hr) for up to 8 weeks in any 52-week period when measured at any noise sensitive property.

Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

45. There shall be no fires or explosive blasting at the site.

Reason: To protect the amenities of nearby local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

46. Remediation of the site shall be carried out and completed in accordance with the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1) including the drawing reference 22007/515, contained within Appendix A. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Mineral Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Mineral Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

47. Upon completion of works in accordance with condition 46, a Verification Report by a suitably competent person shall be submitted to and approved in writing by the Mineral Planning Authority, prior to the carrying out of the final soft planting, in accordance with approved details under condition 9 above, and drawing 22007/510, dated Jan 2023, titled 'Restoration Planting Scheme.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

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

Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 as well as guidance within the National Planning Policy Framework.

8. Water protection and pollution prevention

49. 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 been submitted to and approved in writing by Mineral Planning Authority. The scheme shall be designed so that 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. Thereafter the development shall be carried out in accordance with the approved details including the maintenance and management regime throughout the lifetime of the proposed works.

Reason: To avoid contamination and to ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is

necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

50. The development shall be carried out in complete accordance with the submitted Flood Risk Assessment reference 033/56/bfqext/fra/1222, dated December 2022 and the Hydrogeological Risk Assessment, reference 033/56/bfqext/1222, dated December 2022.

Reason: To avoid the risk of adverse impact on local water resource, to mitigate water resource risk and to accord with Local Plan Policies LP34 and LP36 and guidance in the National Planning Policy Framework.

51. The development shall be carried out in complete accordance with the measures detailed in section 7.4 of the Coal Mining Risk Assessment, reference 22007CMRA/0, dated December 2022, prepared by Silkstone Environmental Ltd.

Reason: To ensure that any mining works will be removed safely and do not pose a risk to surface stability and public safety in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

52. In the event old mining workings are intersected by the carrying out of excavations on site, any such workings in the sidewall alongside railway property (Cumberworth Tunnel) shall be sealed with clay to prevent the ingress of water into any old workings beneath railway property. Where any such workings are encountered, prior to the construction of clay seals and backfilling, details shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter all works shall be carried out in accordance with the approved details and within an agreed timescale.

Reason: To maintain the safety of railway operations, enable an inspection to be made, recommend appropriate measures to be carried out, to protect railway infrastructure, in the interests of public safety and to accord with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

9. Record keeping

53. From the commencing of mineral extraction, the site operator/s shall maintain records of their monthly mineral extraction/production and import of waste material and shall make them available to the Mineral Planning Authority within seven days, upon written request.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

10. Aftercare

54. Notwithstanding the submitted details, an outline aftercare scheme detailing the steps which will be necessary over the aftercare period of five years to bring the restoration phase of the site reclaimed under the above conditions for use as agriculture land, with additional tree and shrub planting,

shall be submitted to the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development. 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 and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

55. The aftercare scheme submitted in accordance with condition 54 shall provide a detailed strategy which shall include:

- 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.

Thereafter the approved aftercare scheme shall be fully implemented in accordance with the approved details and timescales.

Reason: To ensure the restoration of the site is completed to a beneficial after use, secure biodiversity net gain and accord with Kirklees Local Plan Policies LP30 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework.

56. Following compliance with conditions 54 and 55 above, a detailed annual aftercare programme shall be submitted to, and approved in writing by, 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 programme 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 and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

Annual review

57. Every year during the aftercare period, as defined by condition 54, the developer/site operator shall arrange a site meeting to be held before 30th November, to which the following parties shall be invited:

- The Mineral Planning Authority;
- The site operator;
- All owners/tenants of land within the site;

- Any restoration/aftercare sub-contractor retained by the applicant/operator;
- The Forestry Commission
- DEFRA

The meetings shall include a discussion on the reports prepared in accordance with conditions 55 and 56 above, review progress to date, agree any further remedial measures or improvements necessary to be under the aftercare programme for the coming year.

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

58. 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of the 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 pipes outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Policy LP34, LP36 and LP52 as well as guidance within Sections 15 and 17 of the National Planning Policy Framework.

59. Prior to the winning and workings commencing, a strategy detailing the timing, means and method of informing HGV drivers responsible for exporting minerals extracted from the site via the approved delivery HGV route pursuant to condition 18, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development shall operate in accordance with the approved details.

Reason: In the interests of highway safety and to ensure all those working on site shall adhere to the approved details.

FOOTNOTE

The programme of works/phases and timescales (K) of condition 9, should include for the new tree planting/hedgerow and fencing, along the northern and south western boundaries to be planted/erected, prior to soil stripping of any part of the site, in accordance with drawing references 22007/515, 22007/511 and 'tree planting details, details- dated and received 07/12/2023 by Silkstone.

FOOTNOTE

Please refer to link below for Network Rail full notes/ guidance dated 07/09/2023 and contact details in reference to condition 52 above.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/91280&file_reference=1007143

FOOTNOTE

Any settlement of solids is a treatment of waste water and appropriate licence agreements should be sought from the Environment Agency. In their comments dated 05/07/2023, the Environment Agency has provided a number of informatives which the developer/site operator should adhere to. These can be viewed on the link below:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/91280&file_reference=997646

FOOTNOTE

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Site location plan	22007/500, by Silkstone Environmental Ltd		15/05/2023
Application boundary & Land ownership	22007/501, by Silkstone Environmental Ltd	Rev A	21/11/23
Cuts sequence	22007/502, by Silkstone Environmental Ltd		02/05/2023
Cut 1 extraction	22007/503 by Silkstone Environmental Ltd		02/05/2023

Plan Type	Reference	Version	Date Received
Cut 2 extraction	22007/504 by Silkstone Environmental Ltd		02/05/2023
Cut 3 extraction	22007/504 by Silkstone Environmental Ltd		02/05/2023
Cut 3 extraction with waste import	22007/505a by Silkstone Environmental Ltd		02/05/2023
Cut 4 extraction	22007/506 by Silkstone Environmental Ltd		02/05/2023
Cut 4 extraction with waste import	22007/506a by Silkstone Environmental Ltd		15/05/2023
Cut 5 extraction	22007/507 by Silkstone Environmental Ltd		02/05/2023
Cut 5 extraction with waste import	22007/507a by Silkstone Environmental Ltd		15/05/2023
Restoration Planting Scheme	22007/510 by Silkstone Environmental Ltd		02/05/2023
Cross Section through Cumberworth Lane	22007/111 by Silkstone Environmental Ltd		31/08/2023
Cross Sections	22007/509 (phases 1,3 & 5) by Silkstone Environmental Ltd		31/08/2023
Long Sections	22007/514 by Silkstone Environmental Ltd		31/08/23
Revised- Access Point Details -	22007/511 by Silkstone Environmental Ltd	Rev A-	05/02/2025
Revised Access design setting gate back 17m	2074- 01A by Paragon Highways titled 'Access proposals'		05/02/2025
Revised HGV tracking at access with gate set back 17m	2074-103B by Paragon Highways titled 'Access tracking'		05/02/2025
Access Cross Sections	2074-102 by Paragon Highways titled 'Long section & typical details'		02/05/2023
Additional plan-proposed access road widening	22007/519 by Silkstone Surveys		28/01/2025
Revised plan showing location of wheel bath & site office-	22007/513 by Silkstone Environmental Ltd	Rev B	28/01/2025
Revised HGV Routing Plan	22007/517 by Silkstone Environmental Ltd	Rev A	29/01/2025
Site Access Sections	22007/516 by Silkstone Environmental Ltd		21/11/2023
Site Access and Bund details	22007/515 by Silkstone Environmental Ltd		21/11/2023
Existing topographical survey	22007/112 by Silkstone Surveys		31/08/2023

Plan Type	Reference	Version	Date Received
Exceptional Circumstances - Mineral Working in the Green Belt	2 page document by Silkstone Environmental		21/11/2023
Supporting Statement, dated May 2023	Prepared by Silkstone Environmental Ltd	Rev B	06/06/2023
Non- technical summary, dated May 2023	Prepared by Silkstone Environmental Ltd		15/05/2023
Transport Statement, dated October 2022	By Paragon Highways	Rev A	31/08/2023
Transport Statement Addendum No2, dated January 2025	By Paragon Highways		14/01/2025
Transport Statement Addendum, dated May 2024	By Paragon Highways		03/06/2024
Updated P2 Geo-Environmental Report dated February 2024	22007/P2/1, Prepared by Silkstone Environmental Ltd,		29/02/2024
Phase 2 Geo-Environmental investigation report, dated November 2023	22007/P2/0, Prepared by Silkstone Environmental Ltd,		21/11/2023
Bund, fence & tree planting along proposed access road, details	2 page document by Silkstone Environmental		07/12/2023
Revised Air Quality Assessment	By Miller Goodall report no. 102882-2, dated 03/10/2023		12/10/2023
Landscape & visual impact assessment	Prepared by Silkstone Environmental Ltd, dated January 2023		31/08/2023
Revised Noise Assessment	Dated January 2023 (Revised (Aug 2023))-		31/08/2023
Preliminary Ecological Appraisal, dated June 2023	Prepared by RDF Ecology		06/06/2023
Hydrogeological impact assessment, dated December 2022	Prepared by SM Foster Associates Ltd 033/56/bfqext/1222		09/05/2023
Archaeological Desk-based Assessment, dated October 2022	By Archaeological Services WYAS Report No. 3841		02/05/2023
Coal mining risk assessment, dated December 2022	22007CMRA/0 by Silkstone Environmental Ltd		09/05/2023
Flood risk assessment, dated December 2022	Prepared by SM Foster Associates Ltd		09/05/2023

Plan Type	Reference	Version	Date Received
	033/56/bfgext/fra/1222		
Phase 1 preliminary geo-environmental risk assessment, dated January 2023	22007/P1/0 by Silkstone Environmental Ltd		09/05/2023

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.

Negotiations were undertaken to secure revisions and additional information to address highway safety, environmental and visual amenity concerns as well as to ensure that satisfactory restoration and the achievement of biodiversity interests will be included within the site. Formal agreement has also been sought from the applicant to the conditions set out above.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: [Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities,

other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

Report Dated: 17/06/2025