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**ECL Ref: CWSL.01.01/L001**

**26<sup>th</sup> October 2022**

**2023/91418 – Woodhouse Quarry, submission of additional information**

Following our recent correspondence and meeting on site on the 18 September 2023, I am writing to provide additional information that has been requested either by yourself or other technical consultees at Kirklees Council (hereafter referred to as the “Council”).

This letter and its attachments addresses the following points:

- The request for a Phase 1 Site Investigation Report;
- A response to the request for an annual highways maintenance fee;
- Explanation of the noise levels to be applied to the proposed infilling operations; and
- Explanation of operation of the mobile screen.

Separately we are aware that some local residents have also queried the effect of the restoration activities upon any ground water supplies taken in the locality. As part of that process further information concerning the specific water supplies potentially affected has been shared by the local residents via separate correspondence with yourself. That information is currently being reviewed by a hydrological expert, the results of which will be shared with yourself through separate correspondence.

Correspondence from the Environmental Health Officer (“EHO”) at the Council dated the 15<sup>th</sup> September 2023 raises a number of queries. There are two matters raised within their response which this letter seeks to address. Firstly, in relation to the risk of contamination the EHO highlights the potential presence of a historic landfill within the site boundary.

To further understand the likely level of contamination risk associated with the application proposals, the EHO requested that a Phase 1 site investigation report was produced. The applicant has complied with that request and the completed Phase 1 Site Investigation Report is appended to this submission

The second issue raised by the EHO was the request for a noise assessment. It is our view that a noise assessment is not justified as there are currently extant noise level restrictions in place on the site which the proposed restoration scheme will comply with.

The approved mineral extraction scheme (2001/62/92414/W0) included Condition 20 which set out two noise levels to be achieved. These limits are 45dBA for the majority of operations and then 70dBA for short term operations for any 8 weeks in year when measured at any noise sensitive property.

These noise levels are applicable to all planned operations, including the restoration of the site, which this application seeks to achieve. Since the approval of the original scheme, there have been no changes to noise level guidance relevant to minerals extraction. For example, the upper 70dBA limit is still outlined in current minerals planning guidance<sup>1</sup> for those short term operations.

The restoration activities proposed as part of this application have been assessed previously as part of the previous application which resulted in the noise levels noted above. The existing 45dBA is a relatively low noise level to achieve and reflects the low existing background noise levels around the site. The applicant is aware of these current noise level restrictions and is content to continue to have these apply to the completion of the restoration activities.

Given the applicant's commitment to adhere to these existing noise levels, which are consistent with up to date guidance, we do not feel it is justified or necessary to undertake a new noise assessment.

A response from the Council's highways department dated the 4 August 2023 raised no objections to the proposals, however it recommended that an annual maintenance fee of £25,000 per annum for the maintenance of Woodhouse Lane, White Gate Road, Linshaws Road and Bare Bones Road, Flight Hill and Law Common Road was provided via a Section 106 Agreement.

We have instructed Intermodal Transportation to review this recommendation to establish if it is reasonable considering the scale of the highways movements proposed and the current state and usage of the roads in question. A separate letter responding in detail to the highways department request is appended to this letter.

In principle the applicant has no objection to making an annual contribution to the road maintenance however it is not clear how the £25,000 total had been reached and what was its justification. To help understand the Council's position, Intermodal in the attached letter, have provided further information on the current level of usage of the roads in question using recently collected survey data. I would reiterate the applicant accepts the request for a maintenance fee, however the attached letter requires a response from the highways team in order to fairly justify the amounts that are currently being requested.

The final point I want to address was to provide clarity to you regarding the use of the mobile screen which will be used on site to process the stone currently in place. The screen consists of a crushing mechanism, conveyor all mounted on caterpillar tracks. The screen produces processed material which is then deposited into a stockpile. The stockpiled material will then be moved via an excavator and dump truck before being placed where it is needed on site.

The submitted restoration plans all highlight specific areas within each phase where the current landform will be reduced and increased in height in order to achieve the proposed restoration

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<sup>1</sup> Paragraph: 021 Reference ID: 27-021-20140306 of the only planning practice guidance.

contours. The screening equipment will be mobile and will need to move around freely within these working areas. The screen will often need to be located close to the parts of the site being reduced in height within each phase. I understand that the Council have requested that the screening equipment is shown on the working plans however due to its mobile nature this would be inaccurate.

I hope that the details outlined in this submission are clear, if you have any queries regarding the project please let me know and I would be happy to discuss them further with you.

Yours sincerely,

**Sam Thistlethwaite MRTPI**

Enclosures:

Phase 1 Site Investigation (to be sent via We Transfer Link)

Letter from Intermodal relating to the highways maintenance fee



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App Ref: 2023/91418

Our Ref: IT2254L.04.10.23

Date: 04 October 2023

Dear Ryan

**Re: Woodhouse Quarry, Woodhouse Lane, Holmbridge, Holmfirth**

We have been provided with a copy of your consultation response dated 4<sup>th</sup> August 2023 in relation to planning application reference: 2023/91418, which relates to the restoration of land at the site noted above. The application involves importing infill material by HGV.

We note that within the consultation response, you have recommended no objection subject to the imposition of planning conditions and a S106 agreement. Further, we note that Kirklees Council have requested that the developer provide £25,000 per annum for the maintenance of White Gate Road, Linshaws Road and Bare Bones Road during the period of operation proposed to infill the former quarry.

Whilst our client would be happy in principle to provide financial support to assist the council in maintaining the roads over which material would be transported, clarification is requested in relation to how the sum of £25,000 per annum has been calculated. We would note that the site operator would be paying towards road maintenance costs via road tax, fuel duty and other taxes associated with operating the site and his business and therefore any additional sum to be contained within the S106 agreement must be properly related to and necessary in relation to the proposal in order to fully comply with planning legislation.

Therefore, please would you provide clarification on how a maintenance figure of £25,000 per annum was reached and what this represents. For example, does it represent the total maintenance cost for these roads or the projected uplift in the maintenance budget required each year as a result of the proposed development traffic. If the developer is to contribute to road maintenance, then the amount needs to be properly defined in terms of what it is intended to fund and be transparent in terms of what other regular HGV users of these roads currently contribute.

To assist you in your justification we have reconciled the development traffic to the observed traffic levels on White Gate Road, Linshaws Road and Bare Bones Road. Observed traffic levels on White Gate Road were extracted from the ATC survey which was undertaken from 4 Feb to 10 Feb 2022. The counter on Linshaws Road was damaged that week and it was re-

surveyed from 11 Feb to 17 Feb 2022, during which it sustained further damaged. Traffic data recorded for the full 24 hours was obtained for 14 Feb, (a weekday) and this has been utilised in the following table. A counter was subsequently placed on Bare Bones Road from 10 March to 16 March 2022, which has also been utilised for the purpose of this assessment.

The observed traffic levels on each link were classified in five categories bicycles/motorbikes, cars/vans, Light Goods Vehicles (LGVs), Heavy Goods Vehicles (HGVs) and buses. The vehicles were converted to Passenger Car Units (PCUs), which represents the number of cars relative to the vehicle type based on length i.e. 1 bus on the road would be equivalent to 2 cars, an HGV would be equivalent to 2.3 cars and 5 bicycles would represent 1 car.

As stated in the TS, the development would be expected to attract 25 HGVs (which represents 58 PCUs) and 6 cars (6 PCUs) on a typical weekday. Hence there would be 64 PCUs per day associated with the development.

The table below shows a comparison of the development traffic levels to the observed traffic levels over a 24 hour period

Link	Development Traffic PCUs	Observed Traffic PCUs	% Dev of Base + Dev
White Gate Road	64	231	22%
Linshaws Road	64	148	30%
Bare Bones Road	64	442	13%

When compared to the observed traffic levels during a full 24 hour period, there would be a worst case increase of 30% over the baseline traffic levels (Linshaws Road). For Bare Bones Road the increase in vehicle movements is only 13%.

If the annual maintenance fee of £25,000 represents the total maintenance cost for these roads, then it is considered that the operator of the site should only be required to fund 30% of this fee, i.e. £7,500 per annum.

We would therefore be grateful if you could provide further justification in relation to the proposed maintenance sum requested. In the meantime, however, please do not hesitate to contact us should you have any queries or wish to discuss this matter further.

Yours sincerely,

Devesh Shrivastava  
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For and on behalf of Intermodal Transportation Ltd

CC Sarah Cann - ECL