

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2023/91949 - Peace Wood Quarry, Huddersfield Road, Shelley, Huddersfield, HD8 8LH**
**Extension to existing quarry**
**Date Responded:**  
**4<sup>th</sup> September 2023**
**Responding Officers:**  
**RM, MN & NH**
**Responding Ref:**  
**WK202325693**

The application seeks permission for the extension to the existing Peace Wood Quarry. The site would occupy a 2.4ha area and it is estimated that 200,000 tonnes of clay would be extracted to produce ceramics. In addition, there is potentially a further 100,000 tonnes of incidental mineral which may be removed off site or retained for restoration purposes. The proposed mineral exportation from The Site would not exceed 1,200 tonnes per day Monday to Fridays and 650 tonnes on Saturdays. It is expected that extraction and restoration will be completed by 31<sup>st</sup> December 2043.

**Dust / Air Quality – Pre- Determination Information Required**

The site of the proposed development is not within or adjacent to an Air Quality Management Area or near to a road of concern. It is unclear from the Supporting Statement by MPG (ref: 320/1-R1.1) Version 1.1 (dated: 31/05/2023) the number of HGV vehicle movements into and out of the access road. This requires further clarification before we can comment further.

Dust

A Dust Management Scheme has been submitted in Chapter 6, page 37 of the Supporting Statement by MPG Ltd (ref: 320/1 – Supporting Statement) (dated: 31/05/2023). It states that the sources of dust would be minimal due to the nature of clay. The main sources of dust at the site are expected to be from transporting materials along internal haul roads, loading and unloading of materials particularly in dry weather, processing and stockpiling of materials. The nearest sensitive residential receptors are between 74m to 250m from the site.

We believe that dust will be generated in and around the site due to dry clay deposits, it is commonly associated with track out from haulage vehicles. With this in mind we would expect a site-specific Dust Management Plan to include specific details regarding vehicle cleaning at the exit of the site. In addition, the generic nature of the scheme provides no up to date contact details for responsible persons at the site, we would also expect this information to be included at site entrances. Therefore, it is necessary for a condition requiring a robust Dust Management Scheme. This should be done in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Mineral Dust Impacts for Planning.

**Contaminated Land**

According to our records, the site is adjacent to potentially contaminated land, due to its use as a landfill site (site reference: 96/17). Given the proximity of the application site to landfill, we hold reservations about the potential contaminated land risks associated with the proposed development. While we acknowledge the borehole logs submitted, we are yet to receive any contaminated land reports to support the application and conclude that the contaminated land matters have not been sufficiently addressed.

To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework we require

the submission of, at minimum, a Phase 1 and Phase 2 report **before the application is determined.**

### **Noise**

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated 25 July 2022 Ref 8073MP. An environmental sound survey was carried out from the 9<sup>th</sup> of June 2022 through to the 11<sup>th</sup> of June 2022 from a monitoring position as shown in figure 1 which also shows the location of the nearest noise sensitive receptors (NSRs). A summary of the results is given in tables 1 and 2. The statistically most repeated  $L_{A90,15min}$  value is 56dB which is used for the assessment.

A BS4142 assessment has been conducted based upon the main noise generating equipment including the HGV movements and noise modelling shown in figure 2. The assessment has applied penalties for tonality (+2dB), impulsivity (+3dB) and intermittency (+3dB) and the results in table 7 show exceedances at all NSRs as follows –

- NSR1 - +8dB
- NSR2 - +7dB
- NSR3 - +7dB

Reference is made to Planning Practice Guidance - Mineral Extraction 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 ( $L_{A90,1h}$ ) by more than 10dB(A) during normal working hours (0700hrs to 1900hrs)*'. A condition is recommended to ensure compliance with the guidance.

It is proposed that the quarry will operate between the hours of 0700hrs and 1730hrs Monday to Friday and 0800hrs to 1230hrs on Saturdays with no operations undertaken during Sundays and Bank Holidays and a condition is recommended to reflect this.

When assessed in accordance with the NPPF and NPSE, the BS4142 assessment is deemed to indicate a 'Lowest Observed Effect Level' and this is accepted.

In mitigation, a bund is recommended as shown in the submitted plan from MPG dated 16 February 2023 Ref 320/1 – Ext3 Rev5 as follows –

- Approx. width: 9m
- Approx. height: 3m
- Approx length: 167m

A condition is recommended for the erection of the bund to ensure compliance with the mitigation recommendation.

An assessment was conducted for the mineral extraction with the findings within table 8 showing an exceedance of +1dB at NSR1. This exceedance is deemed negligible and indicates a low impact to all NSRs.

The findings of the report are accepted, and the conditions referred to within our comments are recommended.

### **Recommended Conditions**

#### **Dust Management Plan – Condition**

Prior to development commencing a Dust Management Plan (DMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on air quality and occupiers of nearby properties by effectively controlling dust arising from all quarry related activities. A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the lifetime of the development.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

#### **Dust Management Plan - Footnote**

Kirklees Council has powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

#### **NQ1 Daytime Operations - Condition**

Any daytime (0700-1900) operational noise shall not exceed the background noise level ( $L_{A90,1h}$ ) 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)  $L_{Aeq, 1h}$  (free field).'

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **NC1 Implement Agreed Noise Mitigation Measures – Condition**

Before any mineral extraction commences, all mitigation measures which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Nova Acoustics dated 25 July 2022 Ref 8073MP shall be completed. Written evidence shall be submitted to and approved in writing by the Mineral Planning Authority verifying the installation as per the submitted plan from MPG dated 16 February 2023 Ref 320/1 – Ext3 Rev5 .

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **HUC1 Hours of Use - Condition**

The quarry, including deliveries to and collections from, shall not operate outside the hours of:

- 0700hrs and 1730hrs Monday to Friday and
- 0800hrs to 1230hrs on Saturdays

No activities relating to the operation of the quarry shall take place on Sundays or Bank Holidays.

**Reason:** To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.