

**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:**  
**21<sup>st</sup> November 2023**
**Responding Officer:**  
**RM, MN, NH**
**Responding Ref:**  
**WK/202331697**

In our comments on 4<sup>th</sup> September 2023 several issues were raised that required further clarification. Since then, additional information has been submitted by MPG (Minerals Waste Environment) (ref: 320/1--20232709--L1.1\_Response\_EH) (dated: 27<sup>th</sup> September 2023). We have reviewed the submitted information and make the following comments and recommendations.

**Dust/Air Quality**

In response to our previous comments MPG have confirmed that the number of HGV movements “remains at 60 in and 60 out in total for both quarries during the time in which the two operations overlap”. We interpret this to be a total of 120 daily two-way HGV movements. According to the Institute of Air Quality Management/ Environmental Protection UK (IAQM/EPUK) guidance “Planning for Air Quality” where there is a change of 100 AADT (Annual Average Daily Traffic) movements outside an AQMA (Air Quality Management Area) an Air Quality Impact Assessment is required **before the application is determined**. The report must reflect all operations associated with the quarry, which includes all anticipated daily HGV movements too and from the site.

Dust

The submitted document acknowledges the requirement for a dust management plan. The dust management plan needs to be more site specific and further details are required, as per our previous comments/suggested condition, dated the 4<sup>th</sup> September 2023. This matter remains outstanding, however, it can be addressed subject to the condition/footnote below.

**Contaminated Land**

Further to our comments dated September 2023, MPG has provided a response dated 27<sup>th</sup> September 2023. In the response MPG have referred to a closure report that has not been provided. They also refer to the historic landfill as receiving inert waste and that ongoing monitoring shows ‘no pollution.’ Our previous comments remain. 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 and development 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, contaminated land information **before the application is determined**. In the first instance a Phase 1 report must be provided.

**Noise**

The applicant accepts our comments but requires a minor amendment to the wording of the condition (NQ1) as follows –

‘In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field) **at the nearest sensitive receptor**’. This is accepted and the condition is repeated with

a minor amendment below.

### **Recommended Conditions**

We require additional **information before the application is determined**. However, the noise matters are resolved subject to the following condition.

#### **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) at any noise-sensitive property.

**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.

#### **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.