

Planning Consultation Request

Town and Country Planning Act 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Consultation Response from KC Policy
2023/91949 Peace Wood Quarry, Huddersfield Road, Shelley, Huddersfield, HD8 8LH
Extension to existing quarry
Date Responded: 29 November 2023
Responding Officer: Nick Reeves/Hannah Morrison
Responding Ref:
<p>This application is for the extension to an existing quarry at Peace Wood Quarry, Huddersfield Road, Shelley, Huddersfield, HD8 8LH. The site is located within a Minerals Area of Search (MAS6 - south of Peace Wood Quarry, Green House Hill, Shelley) and the Green Belt as designated in the Kirklees Local Plan which was adopted on 27th February 2019. The Kirklees Local Plan and National Planning Policy Framework (NPPF) should be fully considered. The following response relates to specific Local Plan and NPPF policies which are of particular relevance to the proposal. Other policies that are not mentioned here may also apply.</p> <p>The site is currently used for agriculture and is adjacent to Peace Wood Quarry, from which clay is extracted for the manufacture of clay construction products at a factory in Barnsley. The eastern sections of the quarry have been infilled and restored whilst the western sections are currently operational and extracting clay. Extraction is due to end in October 2032 with restoration being completed by October 2034.</p> <p>The applicant proposes the following operations on the site:</p> <ul style="list-style-type: none"> • Extension of the quarry to the south by 2.4ha. • Extraction of approximately 200,000 tonnes of clay mineral resource to supply the ceramics and brick-making industries • Potential extraction of a further 100,000 tonnes of incidental mineral • Completion of extraction and restoration works by 31st December 2043. • Extraction and restoration will take place on a west to east basis. • Installation of 3m high bunds to store stripped soils • An attenuation lagoon and silt settlement lagoon for drainage • Extraction of incidental flagstone. • Stockpiling of mudstone within excavated area to be weathered down to clay • Use of a 30-tonne excavator, D6 bulldozer and a 30 tonne dump truck • Importation of inert materials to restore the site to an agricultural after-use where there will be Biodiversity Net Gain through additional habitat creation. • Access will be achieved via the existing access road off Huddersfield Road. <p><u>Minerals and Waste Policy</u></p> <p>The relevant minerals and waste policies in the Kirklees Local Plan will now be considered.</p> <p><u>Policy LP68 – Minerals Areas of Search</u></p> <p>The site's location on a Minerals Area of Search (MAS6) means that it is subject Policy LP68 which states that planning permission will be expected to be granted if proposals accord with the</p>

development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

The site box for the site states that the following reports are required for this site:

- Air Quality Impact Assessment
- Noise assessment
- Heritage Impact Assessment
- A full Environmental Impact Assessment may be required
- Transport Assessment

In their submission, the applicant has submitted a Noise Impact Assessment and a Heritage Impact Assessment. The applicant has not provided a separate Air Quality Impact or a Transport Assessment, but instead has considered these matters in the Supporting Statement Assessment (Dust Management Scheme and Site Access/Vehicle Movements). Further information on the acceptability of the information submitted is available from other consultees and there will need to be confirmation about whether or not an Environmental Impact Assessment will be required.

The site box also lists 'other site-specific considerations':

- Access can be achieved from existing site access, but alterations may be required to allow two HGVs to pass moving in opposite directions
- Appropriate restoration and aftercare will be required as part of any planning permission

As set out above, access would be achieved from the existing site access however, it is unclear whether the proposal will need to make alterations to the access road to allow two HGVs to pass in opposite directions and further advice will be available from other consultees. In relation to the restoration scheme, whilst agricultural uses and biodiversity enhancements are supported by Part 2 of Policy LP37 in the Kirklees Local Plan, more detailed advice on the suitability of the restoration works will be available from other consultees.

Minerals Extraction

Section 17 of the NPPF (Facilitating the sustainable use of minerals) indicates that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and the goods that the country needs. It also indicates that as minerals are a finite natural resource and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation.

Paragraph 15.9 of the Kirklees Local Plan states that extensive economically important reserves of clay and shale are located in the Coal Measures strata on the eastern side of the district, and they provide raw material for two of the Country's leading manufacturers of clay pipes which are located in the adjacent Barnsley local authority area. Several clay and shale quarries are located in the southeast of the district. A feature of clay pipe production is that the different types of clay are blended together and therefore it is necessary for a single operator to have several sources of the raw material at any one time. With paragraph 211 of the NPPF stating that great weight should be to the economic benefits of mineral extraction, it is considered that this proposal would maintain a supply of raw materials for a clay products manufacturer in Barnsley and therefore, support the Leeds City Region economy. Also, this proposal would provide a new source of material for the operator and ensure that they have more raw material available.

Section 4.4 of the Supporting Statement, the applicant explains that the clay(s) extracted at Peace Wood Quarry are important for Naylor to continue the supply of clay construction products otherwise Naylor would have to change the blend(s) of clay used to manufacture ceramic products and this could impact production at the factory. As part of the supporting evidence to support minerals policies in the

Local Plan, a paper entitled 'Identifying future minerals sites - development of a methodology' was prepared on future minerals needs in Kirklees. Table 4 in this paper identified enough supply of clay and shale to last 17.9 years whilst paragraph 3.13 of the same report stated the following regarding clay and shale landbanks:

'The NPPF identifies the need to maintain a supply of clay for the cement industry of at least 15 years and for brickclay at least 25 years. In terms of the need for pipeclay, it is considered more in line with the needs of the brick manufacturing industry and as such a 25 year requirement would need to be provided for. The current reserves of pipeclay based on the production rates provide for almost 18 years supply, therefore in order to meet the 25 years supply additional sites will need to be allocated in the plan period.'

This 25-year landbank requirement is also set out in paragraph 5.34 of the Minerals Technical Paper. Taking into account this requirement for a 25-year landbank, it is considered that there is a need for further clay and shale extraction in Kirklees and this proposal would make a positive contribution towards the district's landbank of clay and shale.

In relation to Policy LP36, Part 1 of this policy states that proposals for minerals extraction will be considered having regard to their impacts on matters such as residential amenity and the environment. Part 2 states that proposals for minerals extraction will be permitted provided that they do not cause unacceptable impacts such as detriment to the landscape and noise, dust and vibration nuisance. The policy goes on to state that applicants should provide sufficient information to demonstrate that such unacceptable impacts would not occur or could be satisfactorily controlled. The likely impacts associated with the development and any proposed mitigation should be fully considered.

It is acknowledged that the proposed development would have impacts on amenity and detailed advice on these issues will be available from other consultees.

The policy goes on to state that applicants should provide sufficient information to demonstrate the presence of and need for the mineral.

The applicant has stated that the site would be suitably screened from the adjacent road to the south and the terrace of houses to the east to mitigate visual impact by limiting views into the extraction area. A Noise Impact Assessment was carried out, and concludes 'no significant impact is expected on the most affected (Nearest Sensitive Receptor)'

The application site would extend an existing operational quarry, the clays extracted are important industrial minerals and great weight should be afforded to minerals extraction. The extraction of clay will also ensure a landbank. It is therefore considered that the development of the site for mineral extraction is acceptable in principle subject to there being no unacceptable impacts on the local environment.

Site restoration and aftercare

The final restoration of the site to an agricultural grassland along with the planting of trees and mixed scrub will require the infilling of the extraction area with unsaleable minerals and imported materials with a substrate for plant growth being created through the re-spreading of subsoil and topsoil previously stripped from the area. This is recognised in a previous permission which permitted the importation of inert waste along with the use of overburden to restore the quarry.

Appendix A of the National Planning Policy for Waste contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way

which moves its treatment up the hierarchy. In this instance the imported waste would be used in the final restoration of the site rather than simply being disposed of.

It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material to restore the site which is consistent with current national planning guidance and Kirklees Local Plan policy LP43, which supports the minimisation of waste production and the re-use and recovery of waste materials.

In relation to Policy LP37, the proposal would progressively restore the site to the aforementioned uses and it is considered that the scheme is consistent with the requirements of Policy LP37.

The application proposes a new waste management facility as part of the site restoration and infill. With the waste management facilities on this site being a consequence of the restoration scheme, it is considered that this is an appropriate location for such facilities. Part 2 of Policy LP44 seeks to ensure that unacceptable impacts arising from waste management facilities are avoided or sufficiently mitigated. The applicant has submitted a series of reports that seek to address the impacts arising from the scheme (including but not limited to a Landscape and Visual Appraisal, Noise Impact Assessment and Heritage Impact Assessment). More detailed advice on these matters will be available from other consultees.

The proposed restoration can be considered to be acceptable in principle providing the waste management operations do not result in unacceptable adverse impacts to the surrounding area.

Green Belt

NPPF paragraph 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include criterion a) mineral extraction, criterion b) engineering operations and criterion e) material changes in the use of land. Criterion e) material change in the use of land would in this instance facilitate the quarry operation on the extended part of the site and will be considered on that basis.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Harm to the Green Belt by reason of inappropriateness carries substantial weight. It is therefore necessary to determine whether the degree of harm to the Green Belt is clearly outweighed by other considerations.

As mineral extraction may not be inappropriate provided openness is preserved and there is no conflict with the purposes of including land in the Green Belt, it must follow that the operations necessary for the extraction of the mineral, including despoiling of the site, noise, disturbance, machinery and other paraphernalia must also be not inappropriate. It is not therefore proposed to comment on the operation necessary to extract mineral from the site. The same applies to any new operation deemed to comprise mineral extraction and other activity including reclamation and restoration across the whole of the application site. These comments are therefore confined to those aspects which it is necessary to consider in the overall balance of the proposal in terms of impact on openness and any conflict with the purposes of including land in the Green Belt.

With regard to the change of use of the agricultural land, the application site comprises agricultural grassland with soil cover above clay, sandstone, brown and blue mudstone and fireclay. The fields will ultimately be restored to agricultural use and therefore the impact is also temporary, albeit for 20 years in total (till 2043 including restoration). The site is also adjacent to the currently active, Peace Wood Quarry and so is not a new isolated feature in the landscape. It is not considered that the cumulative

impact of this quarry extension of the size proposed, in addition to other active operations in the area, would be contrary to NPPF paragraph 211 criterion b).

Also included in the proposal is the temporary storage of topsoil and sub-soils (which will be required for the restoration) in the form of screening bunds located along the southern perimeter of the site to act as a visual and acoustic barrier. These bunds are to be formed of excavation material and are designed to not exceed 3m in height, they would remain in-situ until required for restoration of the site.

The current private access track from Huddersfield Road to the (currently) active Peace Wood Quarry leads through the middle of the proposed extension area, therefore no new access road is proposed and the existing track that is currently in use will be used to access the extension site. This track and its permitted traffic already impact on the openness of the Green Belt.

Harm is caused by the presence of above ground overburden storage and the proposed bunds (3m high) and inevitably from the mineral operation which is proposed to continue for 20 years.

The Landscape and Visual Appraisal, submitted as part of the planning application, found that open and direct views of the entire application site are afforded from close range locations only (looking northeast from Huddersfield Road and looking north west from Huddersfield Road).

Bunds (and any above ground storage areas) can significantly impact on openness as they are highly visible in the landscape and also foreshorten views. It is likely that extensive views across the site to the opposite hillside will be lost. However, they are an expected part of normal mineral extraction operations as they are a means of storing extracted material on-site. They will also screen the quarry operations from view, help to lessen noise and mitigate detrimental impacts, particularly residential and visual amenity. This is important as the quarry would be within close proximity (within 150m approx.) to the dwellings on Huddersfield Road (200/202/204 and 405 - 415). Without the bunds it is likely that there would be material harm caused to the amenity of the occupiers of these dwellings. Any impact on openness will also be temporary as they will be removed through site restoration.

In support of the scheme the applicants have stated that the bunds will act as a visual and acoustic barrier. The submitted Noise Assessment states that 3m tall earth bunds have been inputted into the noise modelling.

Balanced against this degree of harm is the temporary nature of the development, although this could be considered as long term at 20 years. The bunds are considered a normal part of an operational quarry if there is no capacity to store excavation material off-site. They also screen the operations from view and lessen noise which is particularly important given the proximity of residential property.

NPPF paragraph 209 states that it is essential that there is a sufficient supply of minerals to meet needs and that minerals can only be worked where they are found. Paragraph 211 states that when determining planning applications great weight should be given to the benefits of minerals extraction, including the economy. In support of the scheme the applicant has stated that Peace Wood Quarry, has a variety of clays with different properties, which are invaluable to the ceramic and brick industries. The clay(s) extracted at Peace Wood Quarry are important for Naylor to continue the supply of clay construction products otherwise Naylor would have to change the blend(s) of clay used to manufacture ceramic products and this could impact production at the factory.