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:	**2023/62/91949/E0**
Site Address:	Peace Wood Quarry, Huddersfield Road, Shelley, Huddersfield, HD8 8LH
Description:	Extension to existing quarry to extract mineral and subsequent restoration by means of importation of inert wastes/materials
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.

Victor Grayson

AUTHORISED OFFICER

Date: 31/10/2024

Site:

The application site lies south of an existing active quarry known as Peace Wood Quarry, which is served by an existing haul road, from Huddersfield Road cutting through the middle of the proposed extension area. The site is located approximately 2.5 kilometres southeast of Kirkburton village and 1.5 kilometres east of Shelley village. The site is within an area designated as Green Belt.

The site is surrounded to the:

- North by the currently active Peace Wood Quarry;
- East by the boundary of residential properties/drive and open agricultural land;
- South by Huddersfield Road; and
- West by open agricultural land

The area immediately surrounding the site is rural in character with a few isolated residential properties, the nearest of which lie close to the eastern boundary of the site.

Proposal:

The applicant proposes to extend the current quarry operations beyond the areas under extant permission 2017/70/93602/E0, which is north of the application site and known as Peace Wood Quarry. The eastern phases of Peace Wood Quarry where mineral extraction has been exhausted are now stated to be infilled and restored (this is confirmed by recent aerial views). The current end date for extraction at Peace Wood quarry is October 2032 with restoration to be completed by 31/10/2034. Operations are currently being carried out in the western phase of Peace Wood Quarry for the extraction of clay.

These proposals are to extend south of Peace Wood Quarry into an area of approximately 2.4ha, as indicated on the location plan reference 320/1 –Ext -1 Rev 2.0. This shows the area from the southern boundary of the existing Peace Wood Quarry, encompassing land towards Huddersfield Road, and includes the existing access track which currently serves Peace Wood Quarry. The extraction of mineral would commence from the west, initially as a continuation of Peace Wood Quarry, working southwards. It is estimated by the applicant that approximately 200,000 tonnes of clay would be extracted. There is potentially a further 100,000 tonnes (approximately) of incidental mineral to be removed from the site, though according to the applicant a proportion of this could be retained for restoration as it may not be suitable for sale. Therefore, the final tonnage of appropriate clays may differ from the approximate 200,000 tonnes.

In a letter dated 08/09/2023, the applicant advised:

"*that it is estimated that a similar volume of materials would be required for restoration as would be extracted. Therefore, 125,000 to 150,000m3 would be required, or approximately 250,000 to 300,000 tonnes of material"*.

The site would operate between the following hours:

Monday to Friday: 0700 to 1730 hours
Saturday: 0800 to 1230 hours

It is not proposed to operate the site on Saturday afternoons, Sundays, or bank holidays other than to carry out emergency maintenance of plant and equipment

These hours would be the same as the existing Peace Wood Quarry.

Both the extraction of clay and the restoration of this extension site is proposed to be completed by 31/12/2043.

The proposals are detailed further below in the assessment.

Relevant Planning History:

2021/20111 – Pre-application enquiry for extension of quarry boundary at Peacewood Quarry, adjacent to 405 Huddersfield Road, Shelley, Huddersfield, HD8 8NE – comments provided 17/10/2022.

2019/93787 – Discharge conditions 20 (backfilling) and 64 (rest room facilities) on previous permission 2017/93602 for variation/removal of conditions 2 and 60 on previous permission 2007/92989 for variation of condition 3 for continued extraction of mineral on previous permission 93/05383 for extraction. SPLIT DECISION – condition 64 details sufficient. Insufficient details in relation to condition 20.

2017/93602 – Variation/removal of conditions 2 and 60 on previous permission 2007/92989 for variation of condition 3 for continued extraction of mineral on previous permission 93/05383 for extraction. Granted 01/08/2018.

2016/93050 – Discharge condition 7, 9, 10, 18, 20, 22, 55, 64 and 67 on previous permission 2007/92989 for variation of condition 3 for continued extraction of mineral on previous permission 93/05383. SPLIT DECISION – sufficient details in relation to conditions, 7, 9, 10, 18, 20, 22 and 55. Condition 21 not discharged due to insufficient details and conditions 3 and 67 regulatory conditions which do not require formal discharge.

2007/92989 – Variation of condition 3 for continued extraction of mineral on previous permission 93/62/05383/e0 for extraction. Granted 18/06/2009.

1993/05383 – For extraction of shales and clays by opencast means as an extension to the current site and subsequent landfill using imported clean excavation waste - Granted 20/03/1995.

1987/02312 – Extraction of clay minerals and shale – Granted 13/07/1988.

KI 774 – Work fireclay and coal by opencast methods (Approved 16/11/1955).

History of Negotiations:

During the lifetime of the application, clarity was sought on a number of matters including highways, biodiversity and phasing of operations. Extensions of time on the application have also been sought and received.

Representations:

Final publicity date expired: 15/09/2023.

The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the council's adopted Statement of Community Involvement.

In total, eight public representations were received in response to the proposal. The following is a summary of the comments received:

- The proposals will impact on neighbouring properties, landscape, wildlife, noise and disturbance, heavy traffic on a very busy main road.
- The quarry entrance/exit is on a busy well used road on which speeding traffic is commonplace. Also, school children walk to and from local schools and pavements are not that wide.
- Additional HGVs will only make the road more of a danger to pedestrians, school children, walkers and horse riders, runners and cyclists.
- No footpaths on road.
- Object due to increase and current level of HGVs using Huddersfield Road and Near Bank, also through Skelmanthorpe.
- Surrounding highway network is not suitable for proposed volume of traffic.
- Walls taken down by HGVs which have not been rebuilt.
- Detract from the visual amenity of the area, by extending quarry closer to Huddersfield Road and creating a blot on the landscape/Green Belt.
- Increase in the level of HGVs will cause damage to road over time.
- Concern that the works will affect the water table of nearby properties and stream behind 405-417 Huddersfield Road.
- Dust and noise concerns to properties 405-417 Huddersfield Road.
- Assurances sought that loaded HGVs will not exceed the weight restrictions on a number of roads in the area which benefit from weight restrictions.

The site falls within the Kirkburton ward. Local ward members were notified of the proposals. To date, no comments were received from ward councillors.

Consultation Responses:

Statutory

- KC Lead Local Flood Authority – Supports the proposals. No specific conditions suggested.
- Environment Agency – Support subject to conditions.

Non-Statutory

- KC DM Highways – No objections. Support subject to conditions.
- KC Policy – Acceptable in principle.
- KC Conservation and Design – No objections.
- KC Environmental Health – Support subject to conditions.
- Active Travel England – No comment to make as proposal does not meet the statutory thresholds for requiring an active travel plan.
- Yorkshire Water – "No observation comments are required from Yorkshire Water".

Planning Policy:

Kirklees Local Plan (KLP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

In the Kirklees Local Plan, the site is currently designated as a Minerals Area of Search (MAS6) and is directly adjacent to a Minerals Extraction Site (MES23) to the north, which is an operational quarry.

LP1 – Presumption in favour of sustainable development
LP21 – Highways and access
LP24 – Design
LP27 – Flood Risk
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP36 – Proposals for mineral extraction
LP37 – Site restoration and aftercare
LP 43 – Waste management hierarchy

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 6 – Building a strong, competitive economy
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Gren Belt Land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
Chapter 17 –Facilitating the sustainable use of minerals

Other relevant guidance and documents:

- Highway Design Guide SPD (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

The following matters are considered in the assessment below:

- Background and proposed scheme of works
- Principle of development
- Green Belt / landscape issues
- Site restoration
- Environmental issues (ecology)
- Local amenity issues (noise, dust, air quality and contaminated land)
- Drainage / flood risk and private water/watercourse pollution issues
- Highway / PROW issues
- Representations
- Other matters
- Planning obligations
- Conclusion

Background and proposed scheme of works

The submitted statement states that Naylor (the applicants) have been manufacturing clay construction products for 130 years and require a consistent supply of a variety of raw materials (including clay) to continue producing their clay-based products. Peace Wood Quarry is stated to have a variety of clays with different properties, which are (according to the applicant) invaluable to the ceramic and brick industries.

The site's current use is agricultural. The private access track from Huddersfield Road to the (currently) active Peace Wood Quarry leads through the middle of the proposed extension area. Whilst the proposals are described as an extension to the existing operational quarry to the north, it is clarified that:

> "*Both the existing site and the proposals at hand will share an access and, potentially, plant and equipment, until such time that the existing site achieves its final restoration. The site name will remain Peace Wood Quarry. However, the proposals could act as a standalone quarry and indeed will do once restoration of the existing site is complete. It is therefore not a physical extension as there will be a stand-off between the two sites but is referred to as an extension as the operator will consider it a continuation of operations at the site as a whole*".

Of particular note, the proposals could act as a standalone quarry and would do so on complete restoration of the existing operational quarry which is required to be fully restored by 31/10/2034. As such, there would be an overlap of operations being carried out at both sites up until 31/10/2034.

The proposals would involve the carrying out of the following operations:

- Installation of 3m high bunds to store stripped soils;
- An attenuation lagoon and silt settlement lagoon for drainage;
- Extraction of incidental flagstone;
- Extraction of approximately 200,000 tonnes of clay mineral resource;
- Potential extraction of a further 100,000 tonnes of incidental mineral;

- Completion of extraction and restoration works by 31/12/2043;
- Extraction and restoration on a west to east basis;
- 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 would be Biodiversity Net Gain through additional habitat creation; and
- Access achieved via the existing access road off Huddersfield Road.

The initial operations would include the stripping of the topsoils and subsoils, which are to be stored on site in separate bunds within an overall height of 3m, followed by the extraction in two phases as shown on the phase 1 and 2 drawings. An additional drawing was requested which indicates the existing site levels and the proposed extraction depths throughout the site. These are shown on drawing SQ/0922/PA-06 Rev V5.

Principle of development

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. By providing a new source of material at the application site, the proposed development is considered beneficial in this respect.

With paragraph 217 of the NPPF stating that great weight should be to the economic
benefits of mineral extraction, it is considered that the proposed extraction would help to maintain a supply of raw materials for a nearby clay products manufacturer in Barnsley and would therefore help to support the Leeds City Region economy.

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 regarding future minerals needs in Kirklees. Table 4 in this paper identified enough supply of clay and shale to last 17.9 years (not including the resource at the current application site) 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.

The policy goes on to state that applicants should provide sufficient information to demonstrate the presence of and need for the mineral. The application site would extend an existing operational quarry, the clays to be extracted are important industrial minerals, and great weight should be afforded to the benefits of minerals extraction.

Given the above assessment, it is 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.

Green Belt / landscape issues

NPPF paragraph 155 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. All three criterion would in this instance facilitate the quarry operations on the extended part of the site and will be considered on that basis.

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 (again, provided that openness is preserved and there is no conflict with the purposes of including land in the Green Belt)

With regard to the openness of the Green Belt, it is considered that this must be considered in the context of the existing surroundings. Extractive operations have taken place at the adjacent quarry under the provisions of the current extant planning permissions and earlier planning permissions for a number of decades. The application site (the subject of this application) is adjacent to the areas currently being worked and allocated as a Minerals Area of Search (MAS6) in the Kirklees Local Plan. The existing operational quarry

has been restored (to the east) in part. The proposed extension area together with the remaining working area of the existing operational quarry are relatively modest in scale and the existing quarry has planning permission to cease mineral extraction by October 2032 with restoration to be completed by 31/10/2034. It is considered that this proposal would not add cumulatively and significantly to the impact on openness which already exists. This is because the disturbed footprint would be progressively reduced at the existing quarry as works commence on the extension area, albeit the works would continue to 31/12/2043.

The submission documents include a Landscape and Visual Appraisal (LVA) which concludes:

> *"Following a review of baseline information, together with consideration of the potential landscape and visual effects arising from the proposal, it is considered that the application site is able to successfully accommodate the temporary change in land use, in landscape and visual terms, without having an unacceptable effect or loss of landscape character or visual amenity upon the wider study area".*

The proposed development's impact on the spatial openness is considered negligible as the proposals would consist of (in summary, in relation to physical changes) the provision of an access track from the main road and a quarry behind screening bunds. Furthermore, the proposed site is considerably smaller than (at just over one third of the size of) Peace Wood Quarry. This is reinforced by the findings of the submitted LVA which states:

> "*…this LVA finds that the proposal will have a low to negligible magnitude of effect on the overall character of the county & district landscape and would not affect the scale, landform, or pattern of the wider landscape character. The resultant landscape impact, at the country/district landscape scale is assessed as being neutral and the character and quality of the surrounding landscape, as set out in the published LCA [Kirklees District Landscape Character Assessment] will be maintained, with a minor change in land-use"*.

In summary, whilst mineral extraction usually occurs over a timeframe of decades, the operations are considered to be temporary in nature and the development is therefore regarded as reversible. The extension of the quarry as proposed would have an additional impact on the openness of the Green Belt in this location, however this impact would be mitigated by the formation of screen mounds, and the proposal would be temporary and reversible once mineral extraction has ceased and the whole of the site is restored. It is therefore considered that this proposal would not have a significant long-term impact on the openness of the Green Belt in this area.

The final restoration of the site to a viable agricultural use would require the importation of waste that is stated would be strictly controlled by an Environmental Permit or equivalent, as the volumes of quarry waste would be insufficient to bring site back to original levels. This is recognised in the

existing planning permissions which allow the import of clean excavation waste to help facilitate site restoration. 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 elsewhere (in a location where it serves no useful purpose). It is therefore considered that this proposal would see the re-use of a significant amount of inert waste material which is consistent with current national planning guidance and Kirklees Local Plan Policy LP43.

In addition, bearing in mind the current condition of the adjacent site, the emphasis the NPPF places on promoting and sustaining economic growth, the fact that mineral extraction is a temporary operation, and the fact that the application site is proposed to be restored back to an agricultural use (by using waste material) by 31/12/2043, it is considered that, subject to there being no significant conflict with other Kirklees Local Plan policies or the NPPF, the principle of extending the current quarry workings as proposed are acceptable in terms of the impact on the openness of the Green Belt.

Site restoration

The site is proposed to be operated as per the existing operational quarry to the north, whereby on completion of extraction operations, infilling will commence with a suitable engineering fill material prior to restoration to agricultural pasture. The submitted supporting statement sets out that the primary aims of the proposed restoration will be:

- To restore the land to agriculture;
- To achieve a net gain in biodiversity and enhance habitat connectivity; and
- To visually assimilate the site into the surrounding landscape.

Chapter eight of the supporting statement indicates a schematic overview of the methods and sequence of works that would be employed to bring about restoration of the site upon extraction operations ceasing. This would include soft and hard landscape features such as additional tree planting, provision of gates/dry stone walls, and provision of a biodiversity net gain (discussed below). In principle, the restoration proposals are considered acceptable and appropriate to the surroundings. Furthermore, the finer details of the restoration would be required by a recommended condition, which would include the complete removal of the haul road. Of most importance is the proposed finish land levels within the site which are shown on drawing SQ/0922/PA-05 Rev 5. The proposed levels would see the site brought back to its original levels, integrating it back to reflect the characteristics of the site

and its immediate setting. A condition is therefore necessary for the proposed levels to be achieved prior to any soft hard landscaping features being incorporated within the site, to accord with Policies LP32, LP36 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Environmental issues (ecology)

The application is accompanied by a preliminary ecological appraisal (PEA) report, specific to the application site, which covered a 1km search area (this was used for the data search given the size of the site and connectivity to other habitats in the local area). The PEA includes assessment carried out in relation to:

- vegetation and habitats:
- protected and notable species:
- preliminary roost and bat activity, and
- habitat suitability.

With regards to vegetation and habitats, the PEA recognises that to the north of the quarry, there is an area of broadleaved woodland, part of which is designated on magic.gov.uk as Deciduous Woodland Priority Habitat. The woodland habitat is anticipated to be of high value for wildlife within the local area. No designated sites are located within 2km of the site.

The site falls within the Impact Risk Zones of the Dark Peak, Denby Grange Colliery Ponds and South Pennine Moors SSSIs. However, the PEA concludes the site isa significant distance from these designated sites, and as such the proposed works would have no impact (based on the presence of anthropogenic barriers and no direct connection to the habitats).

Numerous areas of habitat associated with Kirklees Wildlife Habitat Network are located within 2km of the site boundary. None of the habitats within or adjacent to the site make up part of this habitat network.

Turning to protected and notable species, the PEA states:

> "*The site contains no waterbodies and therefore lacks the potential to support notable amphibians in their breeding phase. The terrestrial habitats on site were found to be limited, with the site comprising an improved grassland and arable field which lack opportunities for the species group. Some limited habitat was present along the north eastern and eastern boundary of the site relating to a treeline and area of tall ruderal which could provide terrestrial/ over wintering habitats. In addition, the dry stone walls could provide some habitat for the species".*

The PEA states the site provides negligible value for ground nesting birds, given the small field sizes and heavy management. Furthermore, there was no bat evidence and the site is reported to provide low bat roosting potential. The PEA states that it is considered likely that European hedgehog are

present on the site, and that the woodland and scrub habitats would provide good value for that species.

It is considered necessary and appropriate to condition that the recommendations and mitigations set out in the PEA be adhered to (which includes preparatory works to prevent any potential impact to hedgehogs at paragraph 4.3.10) in the interests of ecology, to accord with Kirklees Local Plan Policies LP30 and LP37.

Where reference is made (in the applicant's submission) to the enhancement of the existing woodland, contributions to the Kirklees Wildlife Habitat Network in the form of boundary features such as hedgerows and trees and the provision of species enhancements (bat and bird boxes) will need to be included in the detailed restoration scheme to be conditioned.

The above considers the proposed development's direct impacts on local habitat and species. Policy also requires the development to deliver a measurable net gain to local biodiversity, utilising the DEFRA Metric. The submitted Biodiversity Accounting Assessment details that the proposed development would result in a net gain of +28.82% habitat units, and a net gain +35.01% hedgerow units. Overall, the scheme in its current form is likely to result in a significant net gain for biodiversity at the site.

The proposal would not unduly affect local habitats. In addition, through contributions and on-site improvements, the proposals would achieve a significant biodiversity net gain when compared to the value of the site in its current state. Subject to securing the ecological enhancements as discussed above, the proposal would comply with the aims and objectives of Local Plan Policy LP30 and guidance in the NPPF.

Local amenity issues (noise, dust, air quality and contaminated land)

National Planning Practice Guidance sets out clearly the principal issues that mineral planning authorities should address, and acknowledges that not all issues will be relevant at every site to the same degree. Also of relevance are Local Plan Policies LP36 and LP52, which refer to the impacts on the environment including human health local ecology / biodiversity (addressed above), and any cumulative effects arising from individual sites and/or a number of sites in a locality.

Operations in association with quarrying and mineral extraction undoubtedly risk causing a disturbance to the surrounding locality. The proposals to extend an existing quarry as shown on the submitted plans, would result in operations being carried out closer to noise-sensitive receptors (east of the site there is a short row of terraces along Huddersfield Road). As such it is necessary to assess the proposals in relation to noise and dust as well as air quality impacts on nearby properties and the surrounding area. These matters are addressed in the following paragraphs:

Noise

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated 25/07/2022, ref 8073MP. An environmental sound survey was carried out from 09/06/2022 through to 11/06/2022 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 LA90,15min 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 (LA90,1h) 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 would 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.

Regarding mitigation, a bund is recommended as shown in the submitted plan from MPG dated 11/09/2023, ref 320/1 – Ext3 Rev 6 (revised plan) as follows:

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

A condition is recommended securing 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. KC Environmental Health accept the findings of the report, subject to their suggested conditions.

Dust and Air Quality:

KC Environmental Health have clarified that the site is not within or adjacent to an Air Quality Management Area or near to a road of concern. With regards to HGV vehicle movements, the applicant states that the number of HGVs would remain at 60 in and 60 out in total for both quarries, during the time the two operations “overlap”. The applicant is amenable to the imposition of a suitably worded condition to achieve this and clarifies that for the avoidance of doubt, there is no intention to allow for double the number of HGV movements.

The Institute of Air Quality Management / Environmental Protection UK (IAQM/EPUK) guidance “Planning for Air Quality” only requires an Air Quality Impact Assessment when there is a change of 100 or more AADT (Annual Average Daily Traffic) movements. The proposals, subject to condition, would not increase the current permitted HGV movements for both the existing operational quarry and the proposed quarry extension. Therefore, KC Environmental Health have confirmed an Air Quality Impact Assessment is not required.

All of the operations and activities in relation to quarrying have the potential to generate dust, including through the breaking of materials, the handling of previously broken materials, and by the movement of mobile plant and vehicle movements in and out of the site. The main sources of dust generation are likely to result from carrying out these operations during dry conditions.

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, and the processing and stockpiling of materials. The nearest sensitive residential receptors are between 74m to 250m from the site.

Dust could be generated in and around the site due to dry clay deposits. This is commonly associated with track out from haulage vehicles, and as such specific details regarding vehicle cleaning at the exit of the site would need to be provided. In addition, the generic nature of the submitted scheme provides no up-to-date contact details for responsible persons at the site. These details would need to be included within a Dust Management Plan. Therefore, it is necessary for a condition to be imposed, 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:

At the request of KC Environmental Health, the applicant provided a Risk Assessment and Conceptual Site Model, authored by MPG, dated 15/03/2024 (ref: 320/1—R1.1 – Risk Assessment_CSM). The Risk Assessment describes

the site history, and the environmental setting. This information has been used to inform the conceptual site model and risk assessment undertaken by MPG. The report concludes that there are no source-pathway-receptor linkages in relation to the proposals. KC Environmental Health accept the findings of the report and are satisfied that, in the event any unexpected contamination is encountered during the carrying out of the proposed works, this can be dealt with appropriately, through the imposition of a condition and footnote, which would require all works to cease, reporting of unexpected contamination and remediation to be carried out to accord with Local Plan Policy LP53 and guidance within the NPPF.

Drainage / flood risk and private water / watercourse pollution issues

The application is accompanied by the following:

- Drainage Strategy, Ref: 14760-Drainage Strategy-02- Rev 02, dated 21/12/2022
- Drawing Ref: 320/1 – Ext-3, Extraction Plan, Rev 6.0 dated 11/09/2023

On assessment of this information, the Lead Local Flood Authority have raised no specific concerns in relation to potential impacts on any charted watercourses or risks of flooding to the site or surrounding areas.

Highway / PROW issues

All new developments can potentially impact on the highway network, and it is important that the extents of these impacts are fully understood and considered when determining planning applications. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Kirklees Local Plan Policy LP21 is of relevance in this instance, and sets out that proposals should demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

Also of relevance is Local Plan Policy LP36 which requires proposals for mineral extraction to be considered having regard to amongst other things, Part 1 a. the impact on the environment and highway safety. Part 2 of Policy LP36 (where relevant to highways) clearly sets out proposals to extract minerals, including from former waste deposits, will be permitted provided that they will not:

> c. cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport;
> d. prejudice highway safety through the volume or nature of vehicle movements generated;
> f. cause materially significant permanent change to local rights of way networks;

KC Highways Development Management, on review of the proposals, provided the following assessment:

> *"This application seeks approval to the extension to existing quarry at Peace Wood Quarry, Huddersfield Road, Shelley.*
>
> *The proposed 2.4-hectare extension will occupy an area from the southern boundary of the existing quarry to Huddersfield Road to the south of the site.*
>
> *The site's current use is agriculture. The private access track from Huddersfield Road to the currently active Peace Wood Quarry leads through the middle of the proposed extension area. There are no public rights of way crossing or adjacent to the site.*
>
> *As is currently permitted at Peace Wood Quarry, it is proposed that mineral exportation from the site would not exceed 1,200 tonnes per day Monday to Fridays and 650 tonnes on Saturdays.*
>
> *The intension is that there would be no proposed change to the rate of working relative to the existing quarry, it is proposed that the following condition be attached to any planning permission:*
>
> > *"Minerals extracted at The Site shall not be removed from The Site at a rate of greater than 1,200 tonnes per day Monday – Friday, and 650 tonnes per day on Saturdays. In any event, the number of HGVs arriving at and leaving The Site shall not exceed 60 (60 in and 60 out) on any single day, and no more than 30 (30 in and 30 out) on Saturdays. The totals provided in this condition must be cumulative, in that any HGVs using the site entrance to access the existing quarry to the north of The Site for restoration purposes, shall be subtracted from the total number consented by this condition on any given day. Daily records of the number of HGVs using the site entrance shall be kept for the lifetime of this permission and will be made available to the Mineral Planning Authority within 3 days of a written request."*
>
> *It is proposed to maintain the current permitted operating hours for Peace Wood Quarry.*
>
> *The Site would operate between the following hours: Monday to Friday: 0700 to 1730 hours Saturday: 0800 to 1230 hours.*
>
> *The applicant's agents The Mineral Planning Group Ltd further clarify the proposed condition as follows:*
>
> > *"The purpose of the proposed condition is such that the number of HGVs remains at 60 in and 60 out in total for both quarries, during the time in which the two operations 'overlap'".*

Given that there is to be no increase in daily vehicle numbers Highways Development
Management has no objection to these proposals, subject to the imposition of the suggested conditions below.

Conditions

In addition to the condition proposed by the applicants the following conditions previously attached to the 2007/92989 permission should be repeated:

- *No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited onto the public highway.*
- *Unless otherwise agreed in writing by the Mineral Planning Authority only HGVs with a 20 tonne payload capacity shall be used to export minerals from the site."*

In summary, the proposals, subject to the suggested conditions by KC Highways Development Management, can be accommodated without causing material highway safety impacts to any/all users of the wider highway network, in accordance with guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 (points c, d and f).

Representations

The preceding paragraphs address the majority of representations received other than those listed below which are responded to here:

- Concern that the works will affect the water table of nearby properties and stream behind 405-417 Huddersfield Road.

Response: Reference to the stream is included in the submitted Statement of Community Involvement which acknowledges that *"a spring is located to the east of the site and that no proposed drainage would direct surface water to the spring or the small stream that runs away from the spring*". This document also states *"it is not considered that based on the boreholes drilled at the site and faces in the existing quarry, that there is significant hydrogeological continuity across the sandstone"*.

The Environment Agency (EA) were consulted, and in their comments dated 25/08/2023,have stated:

"*We have reviewed the following documents submitted in support of this planning application. These documents provide us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development.*

- *Supporting Statement prepared by the Mineral Planning Group Ltd, reference 320/1 version 1.1 dated 31 May 2023,*
- *Drainage Strategy prepared by Waterco, referenced 14760-Drainage Strategy02, dated 21 December 2022"*

Along with the two suggested conditions (one of which the applicant has suggested revised wording for, which is accepted by the EA) a further condition is necessary to ensure the development is carried out in accordance with these details.

- Assurances sought that loaded HGVs will not exceed the weight restrictions on a number of roads in the area which benefit from weight restrictions.

Response: It is the responsibility of site operator/developer to ensure all traffic regulations are adhered to. Furthermore, this is an issue which would need to be reported to and controlled by the Police.

- No footpaths on road.

Response: Following a site visit, and as demonstrated on online maps, it is clear that Huddersfield Road has a footpath on the side of the application site, in close vicinity to the site.

Other matters

Heritage impact assessment

The application is accompanied by a Heritage Impact Assessment. This has been considered by KC Conservation and Design, who advised that:

> "*Peace Wood Quarry is located on open land to the north of Huddersfield Road and west of Windmill Hill Farm. Further west is the Grade II listed Emmanuel Church. In the distance to the north is the Grade II listed Emley Mast.*
>
> *The proposed extension is on land to the south and east of the existing quarry, closer to Huddersfield Road. 3m high soil screening bunds are proposed on the southern side of the extension to obscure the workings from view from the road.*
>
> *There is no impact on the setting of the listed Emmanuel Church as the proposals site is some distance away and separated from it by the gently undulating topography and the proximity of Windmill Farm between the two sites.*
>
> *There is potential harm to the setting of Emley Mast when viewed from a short section of the road, however, this has been mitigated by the proposed construction of soil bunds along with the restoration of the areas following extraction, resulting in no harm to its setting in the long term.*
>
> *On balance, the Conservation and Design Team has no objections to this proposal."*

Subject to the proposals being carried out in accordance with the submitted details, it is considered that the setting of nearby heritage assets would not be

compromised, in accordance with Kirklees Local Plan Policies LP35 and LP36.

Statement of community involvement

The submitted Statement of Community Involvement (SCI) states that public consultation was carried out in the form of advertising the proposals on a web page and in the local press The SCI states, as a result of the public consultation, only two comments were received. The concern/queries were in relation to noise, dust, traffic, impact on wildlife, landscape impact, potential impact on a nearby spring, and changes to the drainage regime. The submission documents accompanying the application address these matters and are discussed in the above paragraphs.

Planning Obligations

In this instance no planning obligations (secured via a Section 106 agreement) are considered necessary.

Conclusion

The proposals would result in the extension of an existing operational quarry. The submitted information has sufficiently demonstrated that the demand for the mineral (clay) to be sourced from the site is unmet both locally and nationally. Furthermore, the proposals are accompanied by sufficient information to demonstrate how the impacts as set out in the above assessment could be satisfactorily controlled through appropriate mitigation measures / conditions without causing adverse effect on the environmental conditions of the area surrounding this site.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Application Number: 2023/91949
Decision Authorisation: Delegated Powers
Officer Recommendation: Conditional approval

Conditions and Reasons

TIME LIMITS:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The extraction of all minerals shall cease, plant, machinery and all equipment shall be removed and the restoration of the site to agriculture / woodland shall be carried out and completed by 31/12/2043.
Reason: In the interests of visual amenity, the 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 LP36 and LP37 of the Kirklees Local Plan and the National Planning Policy Framework.

PLANS:

3. The development hereby approved shall be carried out in complete accordance with the approved plans and supporting documents except as stated otherwise in conditions listed below which shall in all cases take precedence.
Reason: To enable the Mineral Planning Authority to adequately control the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site after development.

4. In the event of cessation of mineral extraction / land filling operations prior to the completion of the approved restoration land levels a revised reclamation scheme for use of the site as agriculture / woodland (that shall 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;
b) Plans indicating post-restoration ground levels on the site by contour and cross section details, and tree/hedge planting, walls or enclosure to be created on the site;
c) Replacement of stored overburden, removal of screen mounds, and details for soil replacement including depths of subsoil and topsoil to be replaced;
d) Details for the establishment of a grass sward of the whole site to be restored for agricultural use / amenity woodland;
e) A post-restoration drainage scheme; and
f) 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 LP36 and LP37 and the National Planning Policy Framework.

5. A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

Reason: For the avoidance of doubt and to ensure that the site is operated in accordance with the requirements of this planning permission.

6. The working, restoration and aftercare of the site shall be carried out in accordance with the following schemes and plans:

- SQ/0922/PA-01, Rev V5 – Existing site layout, with levels/contours;
- SQ/0922/PA-03, Rev V5 – Phase 1, Extraction Design;
- SQ/0922/PA-04, Rev V5 – Phase 2, Extraction Design;
- 320/1 - Ext – 3, Rev 6.0 – Phasing, location of bunds & extraction areas;
- SQ/0922/PA-06, Rev V5 – Cross Sections (Maximum Excavation Plan);
- SQ/0922/PA-05, Rev V5 – Restoration design (land levels/contours);
- 320/1 - Restoration – 2 Rev 6.0 – Soft Landscaping; and
- supporting statement produced by MPG ref: 320/1-R1.1, dated 31/05/2023

except as stated otherwise in conditions listed below which shall in all cases take precedence.
Reason: To enable the Mineral Planning Authority to adequately monitor the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site on completion, in accordance with Kirklees Local Plan Policy LP37 and the National Planning Policy Framework.

ACCESS AND VEHICULAR MOVEMENTS:

7. The sole means of vehicular access and egress from the site shall be via the existing access shown on drawing SQ/0922/PA-01, Rev V5–Existing site layout, dated September 2022.
Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.

8. The maximum number of heavy goods vehicle (HGV) trips to and from the site shall not exceed 60 (60 in and 60 out) on any single day, and no more than 30 (30 in and 30 out) on Saturdays. The totals stipulated in this condition are cumulative and include the HGVs using the site entrance (in and out) under the permission 2017/93602 for the existing operational quarry to the north of the site.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

9. The rate at which mineral is extracted and exported from the site shall not exceed 1200 tonnes per day Monday to Friday, and 650 tonnes on Saturdays.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework

10. Daily records of the number of HGVs using the site entrance shall be kept for the lifetime of this permission and shall be made available to the Mineral Planning Authority within three days of a written request.
Reason: To enable the Mineral Planning Authority to adequately monitor the development in the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

11. Only HGVs with a 20 tonne payload capacity shall be used to export minerals from the site.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

12. All commercial vehicles leaving the application site shall have their wheels and chassis cleaned before they enter the public highway.
Reason: In the interests of the free and safe use of the highway and to prevent material being deposited on the access road or highway in accordance with Kirklees Local Plan Policies LP21 and LP36.

13. All loaded HGVs 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 the National Planning Policy Framework

14. The existing quarry access road shall be retained and maintained in a condition fit for purpose for the duration of this planning permission in accordance with the details indicated on drawings ST14014-001 and ST14014-002 as approved under discharge of conditions application 2016/44/93050/E0.
Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework

PROTECTION OF WATERCOURSES:

15. Before the development commences a scheme regarding the following matters shall be submitted to, and approved in writing by, the Mineral Planning Authority:

- The storage of hazardous materials, chemicals, oil and / or fuels;
- The use of the above at the site, for example for plant maintenance, including locations where this would be carried out; and
- The provision of road and wheel cleaning facilities.

The scheme where necessary, shall be supported by detailed calculations and shall include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained in accordance with the approved timing / phasing arrangements during the lifetime of the development or any details as may subsequently be approved in writing by the Mineral Planning Authority

Reason: To ensure the proposed development, including mineral extraction, does not harm the water environment in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure measures to protect the water environment are approved at an appropriate stage of development.

16. The development shall be carried out in accordance with the drainage proposals in accordance with the details / mitigation measures set out in the following documents:

- Supporting Statement prepared by the Mineral Planning Group Ltd, reference 320/1 version 1.1 dated 31/05/2023; and
- Drainage Strategy prepared by Waterco, referenced 14760-Drainage Strategy02, dated 21/12/2022.

Reason: To avoid impact or changes in adjacent springs and to not pose a significant threat to the water environment in the immediate area, in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.

17. There shall be no dewatering of the site and no interruptions to ground or surface water flows without the written consent of the Mineral Planning Authority.
Reason: To ensure that the proposal does not harm groundwater resources in accordance with the National Planning Policy Framework.

See footnote / guidance below from the Environment Agency re: dewatering

PREPARATORY WORKS/SOIL STRIPPING:

18. The development shall be carried out in complete accordance with the recommendations and mitigations set out in section 4 of the Preliminary Ecological Appraisal Report, dated 22/12/2022, including for the preparatory works to prevent any potential impact to hedgehogs as set out in paragraph 4.3.10 of the Preliminary Ecological Appraisal Report.
Reason: In the interests of ecology, visual amenity and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

19. Screening mounds using the stripped topsoil and subsoil (to be stored separately and so as not to overlap) with a maximum height of 3m shall be constructed in accordance with details set out in the accompanying supporting statement and as shown on drawing reference 320/1- Ext-3, Rev 6.0 – 'Phasing, location of bunds & extraction areas', prior to the extraction of mineral from any phase of the development and thereafter stored until required for restoration purposes.
Reason: To protect a scarce resource, in the interests of visual amenity, 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.

20. The Mineral Planning Authority shall be given at least seven days notice in writing of any intended phase of topsoil or subsoil stripping. Soil stripping shall thereafter proceed only subject to the approval of the Mineral Planning Authority
Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring of the approved works being carried out within the approved timescale and to accord with the National Planning Policy Framework.

21. No plant or vehicles shall cross any areas of unstripped areas of the site except for the purposes of stripping operations. The full depth of topsoil and subsoil on existing agricultural land within the application site shall be stripped separately prior to the removal of overburden or mineral from each phase of working. The stripped soils shall be stored separately in areas identified on a plan with details of an estimate of the quantity of soils (topsoil and subsoil) to be submitted to and approved in writing by the Mineral Planning Authority.
Reason: So as not to damage the quality of the soil 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.

22. 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 soil quality, to ensure the retention of existing soils for restoration purposes and to accord with Kirklees Local Plan Policy LP37 and Section 17 of the National Planning Policy Framework.

23. The surface and slopes of soil storage mounds shall be evenly graded and seeded, with a grass sward established, and thereafter regularly managed to control the growth of weeds and rank vegetation.
Reason: So as not to damage the quality of the soil 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.

WORKING PROGRAMME/RESTORATION (SOIL REPLACEMENT DURING RESTORATION):

24. Mineral extraction shall not extend beyond the depths / areas shown on drawings:

- 320/1 - Ext – 3, Rev 6.0 – Phasing, location of bunds & extraction areas
- SQ/0922/PA-06, Rev V5 – Cross Sections (Maximum Excavation Plan)

Reason: To minimise and restrict disturbed areas to not extend beyond those identified on the approved plans and to accord with Kirklees Local Plan Policy LP36 and Sections 15 and 17 of the National Planning Policy Framework.

25. Within six months of the date of this permission a scheme shall be submitted to and
approved in writing by the Minerals Planning Authority which elaborates upon the proposed method of backfilling the site. The scheme shall include:

a) Representative plans and cross sections to show the proposed vertical sequence of materials to be used to imitate the existing hydro geological conditions;
b) The type, nature and volume of materials to be used;
c) An assessment of the risks to the environment resulting from the use of the proposed fill materials; and
d) Information to demonstrate that the flow in the stream to the northeast of the site will be maintained and that the natural hydrogeological regime in the area will not be detrimentally affected.

The scheme shall thereafter be fully implemented and maintained during the course of mineral extraction/landfilling operations.
Reason: To ensure that the development does not have a significant adverse impact
on existing drainage or water regimes and would not to pose a significant threat to the water environment in the immediate area, in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework**.**

26. After completion of mineral extraction in each phase the site shall be progressively restored to agriculture / woodland in accordance with the:

- Restoration land levels shown on drawing ref: SQ/0922/PA-05-Rev V5; and
- Soft landscape proposals shown on drawing ref: 320/1- Restoration-2, Rev 6.0

and a detailed restoration scheme to be submitted and approved in writing by the Mineral Planning Authority prior to the export of minerals from the site. The submitted scheme shall include:

a) The phasing and direction of backfilling of the site;
b) Spreading a minimum depth of 350mm subsoil and 250mm topsoil over the areas to be restored to agricultural use;
c) A minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall 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) Final levels and contours of the restored land graded to blend in with those of the surrounding land to prevent ponding and promote good surface water drainage;
g) Grass seeding of areas to be returned to agriculture including details of proposed seed mixture, including species and seed rate;
h) Details for reconstruction of drystone walls and provision of gates in the local style;
i) Enhancement of the existing woodland, including new hedgerows with details of species, numbers Etc;

j) Provision of species enhancements (bat and bird boxes);
k) Demonstration of how the above accords with a Biodiversity Net Gain of +28.82% habitat units and a net gain +35.01% hedgerow units;
l) Post restoration drainage proposals;
m) The removal of all plant, machinery, structures, haul roads, all storage/screen mounds and fences; and
n) 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. 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.

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.

27. After the cessation of mineral extraction, overburden (which shall be evenly graded and ripped to relieve compaction to a depth of 800mm at 1 metre spacing using an industrial grader rake) shall be replaced to such levels so that, after replacement of subsoil and topsoil and completion of settlement, the contours of the restored land shall conform with the restoration contours shown on approved drawing ref: SQ/0922/PA-05-Rev V5- restoration land levels.

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.

28. Each layer formed in accordance with condition 27 shall be ripped and cross ripped to its full depth to relieve compaction using winged tines at no greater spacing than 600mm.

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

29. Within three months of the restoration of the final topsoil layer, a plan of contours at sufficient 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 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.

30. In each phase a grass sward shall be developed in the first available growing season following the approval of details pursuant to condition 26. If in any part of the restored area satisfactory grass growth is not established as a result of the initial sowing, such areas shall be cultivated and reseeded, after

the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.
Reason: To ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

31. Only inert excavation / demolition waste / material shall be imported into the site for restoration purposes to achieve the final restoration levels as approved on drawing ref: SQ/0922/PA-05-Rev V5- 'restoration land levels' after allowance is made for depth of subsoils and topsoils for restoration.
Reason: To ensure that the development does not contaminate / pollute land or have a significant adverse impact on existing water regimes and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

32. Notwithstanding the submitted details / plans and upon the satisfactory completion of restoration of the site, the permitted access shall be removed and the land shall be restored for use for agriculture by 31/12/2043, in accordance with a scheme which shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall provide for:

a) The removal of the hardcore carriageway, bell mouth and the walls and kerbs at the junction with Huddersfield Road;
b) Reinstatement of the original drystone wall and agricultural field entrance adjacent to Huddersfield Road;
c) Ripping the line of the access to relieve compaction;
d) Details of the depths of subsoil;
e) Topsoil and seed mixtures to be applied and the method of cultivation; and
f) The timetable of implementation.

Reason: In the interests of visual amenity, 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.

AMENITY:

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

- Monday to Friday 07:00 and 17:30
- Saturdays 08:00 to 12:30

With no activities / working to 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.

34. Any daytime (07:00 to 19:00) 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 is not possible 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 to 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.

35. 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 25/07/2022 ref 8073MP shall be completed. Written evidence shall be submitted to the Mineral Planning Authority verifying the installation of the screen mounds, as per the submitted plan from MPG dated 11/09/2023, ref 320/1 – Ext-3 Rev 6.
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.

36. Prior to development commencing a Dust Management Plan (DMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall describe in detail the actions that shall be taken to minimise adverse impacts on air quality and occupiers of nearby properties by effectively controlling dust arising from all quarry related activities. The DMP shall include details of wheel cleaning operations within the site, a communications plan detailing the responsible person, their contact details and how this shall be communicated to local residents and the Mineral Planning Authority. The approved plan shall be adhered to throughout the lifetime of the development.
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.
This pre-commencement condition is necessary to ensure details of dust management are approved at an appropriate stage of development.

37. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Mineral Planning Authority shall be notified in writing within two working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Mineral Planning Authority or (b) the Mineral Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Mineral Planning Authority. Quarry operations shall not continue until such time as that part of the site has been remediated in accordance with the

approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Mineral Planning Authority.
Reason: To ensure the any unexpected contamination is dealt with appropriately and to protect people in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

38. There shall be no explosive blasting on the site.
Reason: To protect the amenities of local residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

39. No skips, containers or vehicles shall be stored at the site.
Reason: To protect the amenities of local residents and to accord Kirklees Local Plan Policies LP36 and LP37 and Section 17 of the National Planning Policy Framework.

40. Inert waste / material imported to the site shall not be stockpiled but shall be incorporated in the quarry void at the first available opportunity.
Reason: In the interests of visual amenity and so as not to detract from the openness of the Green Belt and to accord with Kirklees Local Plan Policy LP36 and Section 17 of the National Planning Policy Framework.

41. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order with or without modification) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.
Reason: In the interest of visual amenity and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 15 and 17 of the National Planning Policy Framework.

42. No development shall take place between the extraction areas and the location of the bunds. The existing track shall be used to transport the soils to create the bunds and any areas traversed by vehicles to create the bunds shall be re-seeded on completion of the bunds.
Reason: In the interests of ecology, visual amenity and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

AFTERCARE:

43. An outline aftercare scheme in the form of a detailed Ecological and Landscape Restoration Management Plan (setting out management and monitoring actions to be employed to ensure the long-term success of the site reclaimed under condition 26, to the required standard for woodland / agriculture purposes, including all restored habitat areas, for an aftercare period of five years), shall be submitted to and approved in writing by the Mineral Planning Authority at least three 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, in accordance with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

44. Following compliance with Condition 43 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31st August of each year 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, shall include any modifications to the original proposals, and shall comply with the requirements identified in National Planning Practice Guidance. The approved scheme shall thereafter be fully implemented.
Reason: To ensure the restoration of the site when development is completed to a beneficial after use and to accord with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework

ANNUAL REVIEW:

45. Every year during the aftercare period, a site meeting shall be held before 30th November, to which the following parties shall be invited:

a) The Mineral Planning Authority;
b) Site Operator and all owners of land within the site;
c) Any restoration / aftercare sub-contractor retained by the applicant / operator;
d) DEFRA; and
e) Natural England

to discuss the reports prepared in accordance with condition 44 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 Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

46. Hedges and trees planted in accordance with conditions 26 shall be maintained during the aftercare period in accordance with good woodland and agricultural practice, with such maintenance to include the following:

a) Replacing plants which die or are lost;
b) Weeding early in each growing season, and as necessary thereafter, to encourage the establishment of hedges and trees;
c) Maintaining any fences around planted areas in a stockproof condition; and
d) Appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

Reason: To ensure the restoration of the site is completed satisfactorily and the site is brought to a beneficial after use and to accord with Kirklees Local

Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

Footnote – Environment Agency's advice to applicant – Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. Dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

The reports you have supplied have stated no dewatering will take place and the only pumping will be excess surface water into established drainage systems. However, should dewatering be required, it is worth noting that it was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available online:

https://www.gov.uk/guidance/water-managementapply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-apreviously-exempt-abstraction

Footnote – Dust Management Plan

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.

Footnote – Contaminated land

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.

Footnote – Other consents

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.

Footnote – Links to related planning permissions

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93050

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing site /block layout with levels/contouring	SQ/0922/PA-01,	Rev V5	29/06/2023
Location plan	320/1 – Ext-1 dated 07/03/2023	Rev 2	29/06/2023
Existing site block plan with red and blue lines	320/1 - Ext-2	Rev 4.0	29/06/2023
Proposed restoration levels/contours	SQ/0922/PA-05	Rev V5	29/06/2023
Phase 1, Extraction Design	SQ/0922/PA-03	Rev V5	29/06/2023
Phase 2, Extraction Design	SQ/0922/PA-04	Rev V5	29/06/2023
Phasing, location of bunds & extraction areas	320/1 - Ext – 3	Rev 6.0	06/10/2023
Proposed Restoration soft landscaping	320/1 - Restoration – 2	Rev 6.0	29/06/2023
Proposed sections, maximum depth of excavation	SQ/0922/PA-06	Rev V5	10/10/2023
Supporting statement produced by MPG	320/1-R1.1, dated 31/05/2023		29/06/2023
Preliminary Ecological Appraisal Report	CW20-382 RPT 001Dated 22/12/2022	Rev 1	29/06/2023
Drainage Strategy	14760-Drainage Strategy-02, dated 21/12/2022		29/06/2023
Landscape & visual appraisal	CW0194-RPT-001D, dated 13/03/2023	Rev D	29/06/2023
Heritage impact assessment	2223-15,dated January 2023		29/06/2023
Noise Impact Assessment	8073MP, dated 25/07/2022	Rev 001	29/06/2023
BNG_Metric			29/06/2023
Letter response to	From MPG		27/09/2023

Plan Type	Reference	Version	Date Received
E/Health comments			
Borehole Logs	6 sheets		29/06/2023
Additional info in response to EA comments, BNG issues, bund details and direction of working	From MPG		06/10/2023
Conceptual site model risk assessment Document	320/1—R1.1		15/03/2024
Statement of Community Involvement	320/1—R1.1 – SCI, dated 25/04/2023	Rev 1.1	29/06/2023

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 Mineral Planning 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. Clarity on issues relating to the operations of the proposals was sought, as was additional information from the applicant during the course of the application, relating to the maximum depths of excavation.

Report Dated: 18/10/2024