KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2023/44/92221/E0**
Site Address:	Temple Quarry, Liley Lane, Grange Moor, Huddersfield, WF4 4EN
Description:	Discharge of conditions 6 (wheel washing facilities), 14 (surface water drainage), 36 (dust control) and 39 (gas monitoring) of previous permission 2019/93371 for variation conditions 3 and 13 and removal condition 18 on previous permission 98/93299 for mineral extraction and restoration by landfill
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision 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: 26-Oct-2023

The application seeks to discharge conditions 6 (wheel washing facilities), 14 (surface water drainage), 36 (dust control) and 39 (gas monitoring) of previous permission 2019/93371 for variation of conditions 3 and 13 and removal of condition 18 on previous permission 98/93299 for mineral extraction and restoration by landfill

The application is accompanied by the following:

- Drawing 10179-04A titled “Scheme of Working”
- Dust Action Plan rev 4 dated July 2023, and
- A supporting statement dated July 2023

Condition 6 states:

6. New additional wheel washing facilities in the form of a ‘Drive Through Bath’ or ‘Enviro Wheel Wash’, in accordance with the details submitted accompanying this application, as shown on the Garic brochure, shall be installed within three months from the date of this permission, in the location shown on drawing ref: 10179/05A Rev C Phase 1, or in an alternative location. Details of which shall first be submitted to and approved by the Mineral Planning Authority. Written verification shall be submitted to the Mineral Planning Authority on complete installation of the new wheel wash facility and thereafter all wheel washing facilities including the existing wheel wash facility shall be retained and maintained fit for purpose for the duration of this planning permission.
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.*

Assessment:

Officers carried out a site inspection on 10/08/2023, to consider the existing ‘Drive Through Bath’ (DTB) in the location shown on drawing 10179-04A. Prior to the site visit, the DTB had been cleaned of excess mud and clean water was being supplied to the DTB, through a pipe. This was observed by officers at the time of their visit. The site operator (in an email dated 23/08/2023) confirmed that the DTB will be inspected and cleaned every two weeks. Subject to the DTB being maintained and managed in accordance with these details to ensure the wheel wash facility is fit for purpose, the requirements of condition 6 will be met.

Condition 14 states:

14. Within 3 months from the date of this permission, a surface water drainage system shall be installed to ensure fines arising from the workings of the site, are removed before outfall from the site and thereafter maintained until the duration of the planning permission. Written verification shall be submitted to the Mineral Planning Authority within one month of the

installation of the drainage system and thereafter maintained for the duration of the planning permission.
Reason: *To avoid pollution of watercourses and acquifers, in the interests of well being of people and the environment and to accord with Kirklees Local Plan Policies LP36 and LP52 and guidance in the National Planning Policy Framework.*

Assessment:

The Lead Local Flood Authority in their response dated 24/08/2023 confirmed that on the basis of the information submitted, no surface water drainage system is required due to the site being free draining into underlying strata with no surface water run-off. In this instance, although it is accepted that there is no requirement for a surface water drainage system, condition 14 nonetheless requires details to be submitted. The condition would need to be removed through the formal submission of a Section 73 application.

Condition 36 states:

36. The site shall be operated in accordance with a dust suppression method statement which shall be submitted to and approved in writing by the Mineral Planning Authority within one month from the date of this permission. The method statement shall include details of how to deal with suppression of dust from all operations on the site including vehicular movements, excavation operations, mineral and overburden stockpiling, spreading and backfill of the site with imported waste. The details to be provided shall inter alia provide for:

a) The suppression of dust caused by the moving and storage of soil and overburden, stone, waste and other material s within the site,
b) The fitting of drilling rigs with efficient dust control measures,
c) Dust suppression on haul roads,
d) The provision of dust collection and storage facilities,
e) The suspension of movement of soils, overburden and minerals and the deposit of waste backfill when the wind speed exceeds 20 metres per second,
f) The sheeting of all loaded vehicles leaving the site,
g) The drop heights when moving all friable and waste materials to be kept to a minimum,
h) Appropriate surfacing and maintenance of access and haul roads to reduce dust emissions,
i) Limiting traffic speeds within the quarry during dry windy conditions to 25kph maximum
j) The direction of exhausts on vehicles operation on or entering the site to be such that exhaust gases cannot be emitted in a downward direction,
k) The location, design and management of the stores, minerals, stockpiles and backfilled waste deposits to prevent windblow.

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.*

Assessment:

On review of the submitted Dust Action Plan (rev 4) dated July 2023, Environmental Health Officers advised that the details contained within the Dust Action Plan are prescriptive and identify all potential sources of dust generation throughout the operations and the methods that are to be deployed to suppress it. Environmental Health Officers are satisfied with the details submitted. Condition 36 will be satisfied subject to the suppression of dust being carried out in accordance with the submitted Dust Action Plan, during all operations at the site.

Condition 39 states:

39. At least six months prior to backfilling of the excavated mineral void commencing with any waste likely to produce landfill gas, a scheme for the monitoring, control, collection and treatment of gas shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include:

a) Details and plans at 1:200 scale showing the location of any proposed monitoring boreholes sunk to detect potential gas migration from the site,
b) Details and plans at 1:200 scale showing the location of any proposed gas vents, gas wells and collection pipework, associated manifolds, flares or control stations to be installed and the depths of their installation,
c) Plans at an appropriate scale and details of the dimensions and the elevations of all items listed at b) above, which would be visible at or above ground level following final restoration of the backfilled site
d) Programme and details for the method of installation of the wells and collection pipework which shall be designed to:
- *Minimise adverse impacts upon the restoration and subsequent after use of the site for agriculture and/or woodland. Details shall also include the types of plant and machinery to be used*
- *Prevent landfill gas issuing from boreholes, vents, wells, collection pipework or flares causing an odour nuisance for local residents*

e) Proposals for the eventual decommissioning of gas wells, collection and treatment installations and the removal of all such installations to a depth of 0.5 metres from the site and restoration of the land affected,
f) Details of access the proposed for servicing and maintenance and/or replacement of landfill gas monitoring, control, collection and treatment installations of the site.

Only land fill gas monitoring, collection, treatment and control installations which are in accordance with the approved scheme shall be provided on the site.
Reason: *To safeguard the restoration of the site for agriculture and/or forestry after use and to protect the environment of the locality and minimise the likelihood of any contamination and to accord with Kirklees Local Plan Policies LP36, LP37 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.*

Assessment:

The submitted statement notes that:
"Condition 39 requires the submission of a scheme for the monitoring, control, collection and treatment of gas. There is no intention to fill the site with anything other than inert waste. As a result, there will be no biodegradable waste present which would generate landfill gas. There will therefore be no requirement to monitor, control, collect and treat landfill gas on this site."
Strategic Waste Officers have advised that "*the landfill gas being produced on this site from inert deposits would be very small and insignificant also not enough Methane to flare and probably pointless to vent".* Nevertheless, it is advised that the Environment Agency be consulted with regards to their views in particular reference to any leachate production.
Comments from the Environment Agency are awaited before a decision can be made regarding condition 39.

DECISION TEXT:
The application seeks to discharge conditions 6 (wheel washing facilities), 14 (surface water drainage), 36 (dust control) and 39 (gas monitoring) of previous permission 2019/93371 for variation of conditions 3 and 13 and removal of condition 18 on previous permission 98/93299 for mineral extraction and restoration by landfill

The application is accompanied by the following:

- Drawing 10179-04A titled "Scheme of Working"
- Dust Action Plan rev 4 dated July 2023, and
- A supporting statement dated July 2023

Condition 6 (wheel washing facilities): Officers carried out a site inspection on 10/08/2023, to consider the existing 'Drive Through Bath' (DTB) in the location shown on drawing 10179-04A. Prior to the site visit, the DTB had been cleaned of excess mud and clean water was being supplied to the DTB, through a pipe. This was observed by officers at the time of their visit. The site operator (in an email dated 23/08/2023) confirmed that the DTB will be inspected and cleaned every two weeks. Subject to the DTB being maintained and managed in accordance with these details to ensure the wheel wash facility is fit for purpose, the requirements of condition 6 will be met.

Condition 14 (surface water drainage): The Lead Local Flood Authority in their response dated 24/08/2023 confirmed that on the basis of the information submitted, no surface water drainage system is required due to the site being free draining into underlying strata with no surface water run-off. In this instance, although it is accepted that there is no requirement for a surface water drainage system, condition 14 nonetheless requires details to be submitted. The condition would need to be removed through the formal submission of a Section 73 application.

Condition 36: On review of the submitted Dust Action Plan (rev 4) dated July 2023, Environmental Health Officers advised that the details contained within the Dust Action Plan are prescriptive and identify all potential sources of dust

generation throughout the operations and the methods that are to be deployed to suppress it. Environmental Health Officers are satisfied with the details submitted. Condition 36 will be satisfied subject to the suppression of dust being carried out in accordance with the submitted Dust Action Plan, during all operations at the site.

Condition 39: Strategic Waste Officers have advised that “the landfill gas being produced on this site from inert deposits would be very small and insignificant also not enough Methane to flare and probably pointless to vent”. Nevertheless, it is advised that the Environment Agency be consulted with regards to their views in particular reference to any leachate production. Comments from the Environment Agency are awaited, and are required before a decision regarding condition 39 can be made. You will be notified in writing on receipt of the Environment Agency’s comments.

Summary

The requirements of conditions 6 and 36 will be met subject to the above advice and condition 14 would require a formal application to remove this condition. With regards to condition 39, you will be notified in writing on receipt of the Environment Agency’s comments.

Report dated 25/10/2023