

**KIRKLEES METROPOLITAN COUNCIL**

**PLANNING SERVICE**

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY**

**STRATEGIC PLANNING COMMITTEE**

**06 MARCH 2025**

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**Planning Application 2024/92394**

**Item 10 Page 9**

**Development of an attenuation basin and associated access relating to planning permission 2021/92801**

**Land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton**

Representations

One further representation has been submitted in objection to the proposed development. This repeats the comments set out in one of the previously-received representations (these comments were summarised at paragraph 7.4 of the committee report), and adds the text of a verbal statement to be read out at the committee meeting, as well as images of previous high rainfall events and excerpts from social media posts.

Boundary treatments

Further to paragraphs 10.28 and 10.63 of the committee report, the applicant has submitted a boundary treatments drawing, showing a 1.2m high post and rail timber fence surrounding the proposed basin. The fence would be erected at the foot of the basin's raised banks. The drawing also shows details of gates to be provided for maintenance access at the southwest end of the basin. Two "Warning – Pedestrians crossing" signs and seven "Danger – Deep water" signs are proposed around the basin.

Site contamination

Further to paragraphs 10.58 and 10.59 of the committee report, the applicant submitted a further version (rev B) of the previously-submitted Phase 1 Environmental Assessment. This provides clarification regarding the proposed re-use of soils on-site, and identifies workers (who would construct the basin) as the only receptors. In further comments dated 26/02/2025, KC Environmental Health accepted the findings of this further report, but noted that no information had been provided regarding imported materials (should any be needed), and that footpath users and off-site residential occupants could be receptors. KC Environmental Health have therefore advised that a strict watching brief must be maintained, and have recommend the following two conditions:

- Unexpected contamination (if found) to be reported, Remediation Strategy to be submitted.
- Strategy to be submitted if imported materials are to be used.

Given the above assessment, the following five conditions (listed at section 12.0 of the committee report) are no longer recommended:

- Submission of a Phase I Report.
- Submission of an Intrusive Site Investigation Report (Phase II Report).  
Submission of Remediation Strategy.
- Implementation of Remediation Strategy.
- Submission of Validation Report.

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**Planning Application 2023/91280**

**Item 11 Page 31**

**Quarrying operations for the extraction of clay, shale and incidental coal and subsequent restoration by means of importation of inert wastes**

**Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD**

**Amended recommendation**

One of the outstanding public representations noted within the committee report raised the following comment:

- *The Supreme Court judgement in Finch v Surrey CC conveys a requirement for planning authorities to consider the carbon footprint resulting from extraction/conversion/use/disposal not only for new applications but those in progress but as yet undecided. This may well fall into scope but there is no such assessment in this application.*

In considering this, the applicant was approached with a request for clarity on the potential impact 'downstream' from the proposals in particular relating to the extraction and exportation of all incidental coal. Notwithstanding the submitted statement, which was received in June 2023 with the application, the applicant has provided further clarity that the incidental coal to be extracted from the site shall not be exported from the site, instead it will be used to backfill the quarry void along with the overburden. The applicant states the reason for this is "*that the last UK coal fired power station at Ratcliffe -on Soar formally closed on the 30th of September 2024 and therefore there is no longer a market for the coal*".

In view of this, officers proposed that the recommendation be amended to seek a Unilateral Undertaking from the applicant, which the applicant is agreeable to, that will confirm that they will not export any coal from the site. With this in place, it is considered there is no potential impact downstream from the proposals. The recommendation is therefore amended to:

**Recommendation:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matter(s):

- a Unilateral Undertaking from the applicant, confirming that the coal extracted from the site shall not be exported from the site

### Responses to representations unanswered in committee report

As noted in paragraph 10.83 of the committee report, several of the representations raised were pending final consideration. These are set out and considered as follows:

- *New details indicate articulated trucks using the route. Vehicle type and weight limit should be restricted.*

**Response** - The revised HGV routing plan indicates the use of classified 'A' roads only, which have no restrictions on the type and weight of vehicle that can use these roads. DM Highway Officers advise it is not necessary to restrict the type and weight of vehicles to be used on these classified roads.

- *Still not clear what type/size of vehicle is to be used.*

**Response** - The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay and incidental coal, and the import of inert fill. The applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids.

- *HGV movements to/from the household waste recycling centre not been taken into account, nor match operating times of this facility*

**Response** - The road serving the HWRC is an unadopted private access road over which public access rights exist, which has historically served the HWRC and similar quarrying operations without undue problems. The proposals to widen the access road to 6m will enable a car to comfortably pass an HGV and for two HGVs to pass with care without the need for passing places as is currently the case

- *There are no additional cross-drainage channels indicated on the sloping access road, so that water coming from the vehicles is channelled away into a soakaway and not directly onto the highway*

**Response** - Details can be conditioned if necessary, however, there are no known surface water drainage /flooding concerns at the point of where the access road joins Barnsley Road.

- *the traffic survey data used is outdated and inaccurate. A detailed survey conducted by the Cumberworth Community in February 2024 provides a more accurate representation of traffic conditions, indicating a significant increase in HGV movements. This data should be considered over the Department for Transport's 2019 data.*

**Response** - The above concerns were responded to by DM Highways during the course of the application and also referenced in the further response by DM Highways in the appendix to this update.

### Additional representations

Members will have been forwarded the Power Point Presentation (PPP) received on 04/03/2025, from the Cumberworth Quarry Action group.

Other than slide 5, to which a response is provided below, the PPP, does not include anything new to the comments/concerns received and summarised previously as set out in section 7 and 10.83 of the committee report and above.

With reference to slide 5, this refers to K.C. Environmental Health (EH) teams' consultation response in relation to the matter of noise, stating that the statement made by EH is incorrect. In response the EH team have further responded advising that:

*"Slide 5 of the submitted PowerPoint presentation questions the noise assessment modelling and states 'The tables within the noise assessment report show the 10dB criteria to be surpassed under all modelled scenarios at MOST NSRs'.*

*The NPPF 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 (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field)'. In our response dated 06 July 2023, the whole paragraph was not quoted.*

*EH have cross referenced the data within the noise assessment which refers to the NPPF technical guidance criteria of no more than 10dB above background where possible or a maximum of 55dB. Based upon this, whilst there are +10dB exceedances at some NSRs, there are no exceedances of 55dB at any of the NSRs. The NPPF does allow for a higher limit of 70dB maximum for temporary activities such as baffle mound construction etc so whilst Lane Side Farm is predicted at 56.5dB, it is below the 70dB for temporary works. Therefore, EH advise is that their previous comments and recommendations remain."*

Appendix 1 and 2, attached below, contains objections/concerns received during the application from the Cumberworth Quarry Action group. The format of these is retained as received, for ease of understanding, with planning and K.C. Highways officers' response in blue text.

### Further comments received from Cllr T. Bamford on 05/03/2025

*As a transport manager and someone who has worked in the quarrying industry, I wish to express my strong objection to the proposed HGV route on the grounds of serious road safety risks associated with the planned 120 daily truck movements. The proposed haul route requires heavy quarry trucks to cross the A629 at Sovereign crossroads, a well-documented accident blackspot. Introducing high volumes of slow-*

*moving HGV traffic at this junction will significantly increase the risk of collisions, endangering both quarry vehicles and other road users. Additionally, the route along the A635 Holmfirth Road presents a grave hazard. Fully loaded quarry trucks will descend a two-kilometre steep incline towards New Mill, where traffic frequently queues. These vehicles will need to brake continuously on the descent, creating a high risk of brake fade. In the event of brake failure, the consequences could be catastrophic, with the potential for serious injury or loss of life. Given the existing dangers on these roads, the additional burden of frequent, heavily laden truck movement on this route is an unacceptable risk to public safety. I urge the planning committee to refuse this application in the interest of protecting road users and the local community.*

*I am also concerned that there has been no cumulative impact assessment conducted as part of the application which would highlight the already high volume of construction, quarry, and heavy traffic using the area.*

**Officer response:** The concerns raised are noted, however they are considered to have been previously addressed in the assessment by HDM officers set out within in the committee report.

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**Planning Application 2023/92966**

**Item 12 Page 73**

**Demolition of existing dwelling and erection of 97 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works**

**Land to the rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB**

Comments from Cllr Hall

Local Council David Hall has provided the following comments:

*Ward councillors opposed this allocation for housing in the Local Plan, and we still have grace concerns, particularly about the effect on local traffic. I think in early talks with the previous application there was a view to providing money for improving local road safety, including Latham Lane. Is this still in the agreement?*

*It is also disappointing that this greenfield site is being brought forward for development when locally there are several large brownfield sites - former Gomersal First School, former R M Grylls School, former Hartshead Special School and Westgate, Cleckheaton - which have been derelict for years and which the council should have prioritised, as per its policy of brownfield first.*

**Officer response:** As detailed in paragraph 4.1 of the committee report, the previous application on the site (2019/90902), prior to being refused due to failing to complete a S106 agreement, was recommended for approval. The recommendation included the required S106 obligations. This did not include a financial contribution towards highway improvements, either on Latham Lane or elsewhere. Likewise, conditions were not recommended for similar works.

For both applications, K.C. Highways concluded that that a contribution towards highway safety was not needed nor necessary to make the development acceptable.

For allocated sites, local and national planning policies do not require brownfield sites to be developed before planning permission is granted for development on greenfield sites. In Kirklees, relevant planning policies encourage the development of brownfield sites, and several major developments on brownfield sites have been granted planning permission by the council, however this does not overrule or prohibit development on greenfield housing allocations.

### Biodiversity Net Gain

Following the final set of amendments to the application's plans, as noted in paragraph 10.92 of the committee report, the applicant has undertaken a review of their Biodiversity Net Gain calculations. The previous calculations were based on an earlier iteration of the scheme. Due to changes to the Public Open Space typologies to be provided the on-site habitat value has been identified as falling from the reported 11.41% (in paragraph 10.91 of the committee report) to 6.80%.

The submission of this application pre-dates the Environment Act 2021's legal requirement for a mandatory 10% net gain. Nevertheless, Kirklees Local Plan policy LP30 is still relevant to the proposal and requires a net gain, with 10% the expected figure. Therefore, the proposal would achieve a shortfall, and an off-site contribute would be required to be secured in the S106 agreement.

The off-site contribution, to achieve 10% has been calculated as £13,110. This has been agreed with the applicant. Therefore, officers' recommendation is amended to the following, with the updated section underlined:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

a) Affordable Housing: 16 units, comprising 7 Affordable Rent, 5 First Homes and 4 Intermediate (16.5% of total units).

b) Open space off-site contribution: £112,855

c) Education: £150,705

d) Sustainable Travel: £44,500 towards Metro Cards (or similar), £26,000 towards bus stop improvements, and £10,000 towards travel plan monitoring.

e) Ecological net gain: £13,110 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.

f) Management and maintenance: on-site Public Open Space, on-site drainage infrastructure, and ecological features (30 year minimum).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

#### The layout of plots 63 – 66

Following a further review of the site's layout, a redundant tandem pair of parking spaces were identified adjacent to plot 66. They served no dwelling, with all surrounding dwellings having sufficient dedicated parking elsewhere. The redundant pair were concluded to be a drafting error from a previous iteration.

The removal of the parking spaces has allowed for plots 63 – 66 to be located circa 2m north, away from the third-party dwellings to the south. A revised plan showing this arrangement, and the updated cross-sectional arrangement, has been submitted. Notwithstanding the assessment undertaken in paragraphs 10.43 of the committee report, the increased separation distance now provided is a betterment to residential amenity of the dwellings to the south on Cliffe Lane, which will further protect and preserve the amenity of the neighbouring residents. The separation distance from plot 63 to the nearest dwelling on Cliffe Lane (number 309) has increased from 12.02m to 14.35m.

Given the amendments relate to four plots only, it is not considered reasonable or necessary to request the applicant redraft all their plans showing the site's layout. A condition is recommended which specifies that plots 63 – 66 be positioned in accordance with the latest plan (1694-101 rev. P), to avoid any confusion over where these plots need to be located. Therefore, the draft list of recommended conditions in section 12 of the committee report is amended to include:

36. Condition stipulating that plots 63 – 66 be located per plan ref. 1694-101 rev. P.

## **Appendix 1 - Cumberworth Quarry Action group objection letter 1**

The purpose of this report is to highlight the inaccuracies and ambiguous statements mentioned by Kirklees Council (KC) in their Consultation Response to Paragon Highways.

From previous correspondence with KC there appeared to be a concern about the experience of the people objecting to the information supplied by KC. For there to be no transparency, the following information and comments is from a person who holds a Certificate of Professional Competence in national road haulage operations and also qualified in Health & Safety. With reference to Road Haulage there were over 15 years working experience as Transport Manager and likewise over 15 years working experience as H&S Manager. The following comments raised are my concerns that KC ignored from previous findings; some of your statements are unreasonable, ambiguous or incorrect. The following comments are listed against the paragraphs in the Consultation Response made by Chris Bembridge of Kirklees Council:-

| Highways Develop.<br>Man. Ref: K17-3/6 | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Reports – Covering<br>Page             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Paragraph 1                            | <p>KC states there are bus stops within <u>1km</u> of the centre of the proposed site.</p> <p><b>Conclusion: Transparent statements from KC, there are two bus stops, either side of the road, within <u>50m</u> of the junction into the refuse tip.</b></p> <p><b>HDM Response –</b> The stops that are 50m either side of the junction are the same ones that are within 1km from the centre of the proposed quarry site. This distance is in relation to the quarry workers who may use public transport as they would need to walk to the quarry not just the junction in order to work. The convention to use the centre of the site is undertaken when an exact site layout is not indicated, and the site is large or a building entrance is not identified.</p>                            |
| Paragraph 2                            | <p>A detailed survey was completed by Cumberworth Community in February 2024, the survey covered the proposed hours that the quarry would be in operation, this being weekly from 7am–5pm and 7am–1pm on a Saturday. Our survey indicates daily that AADF of 6233 vehicles with 4.3% of these being HGV's, with the additional 120 proposed movements this would increase to 6.1%.</p> <p>Saturday movements were AADF of 3435 vehicles with 1.4% of these being HGV's; with the additional 72 estimated movements this would increase to 3.4%.</p> <p><b>Conclusion: Transparent statement by KC, the above survey was conducted at the A635 junction that accesses the refuse tip. This would be far more accurate than DfT traffic count completed in July 2019 at Britannia Crossroads.</b></p> |

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|                                                           | <p><b>HDM Response</b> – DfT traffic data was reviewed to get an indication of the volume of traffic likely to be using the section of Barnsley Road (A635) passing the site. Traffic flows vary from day to day and the DfT data was used to check the validity of the traffic count supplied by the Cumberworth Community Action Group at the junction with the quarry. It was found that the DfT AADF data correlated relatively closely to the figures calculated from the Actions Group's junction count.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Trip Generation<br/>Paragraph 3</p> <p>Paragraph 5</p> | <p>With reference to the 10,000 tonnes of coal that is estimated to be within the site, this implies that it could have an additional impact on the 120 daily movements and KC are still waiting for information to be provided.</p> <p><b>Conclusion: Inconclusive, when do you expect this information from PH, is it before the 18<sup>th</sup> February deadline.</b></p> <p><b>HDM Response</b> – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay and incidental coal, and the import of inert fill.</p> <p>Type of vehicle to be used, still waiting for confirmation .</p> <p><b>Conclusion: Transparency, why have KC waited so long for the information with regards to what type of road haulage vehicle they will use, this is a very basic question with a very simple answer. They have had <u>18 weeks</u> to decide and we are being demanded to respond in <u>2 weeks</u>.</b></p> <p><b>HDM Response</b> – The Applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids</p> |
| <p>Access to the Site<br/>Paragraph 1</p>                 | <p>To suggest that the existing bell mouth access would be acceptable is very misleading; with excess HGV movements no consideration has been taken for pedestrians. Vehicles are mentioned again, what type? there is a big difference between rigid and articulated. There should be no comparison with the past 5 years, this junction will experience a totally new concept with the increase of HGV's either rigid/articulated? so it would be wrong to assume that the junction would operate safely.</p> <p><b>Conclusion: Have KC satisfied themselves that the kerb radius is now 10m; it would have been more productive if a site visit had been conducted and other issues could have been identified, instead of looking at maps/ariel photographs. In practice there are times when it is not correct to compare the last 5 years, in order to justify your statement where are the Risk Assessments?</b></p>                                                                                                                                                                                                                             |

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| Paragraph (Con'td)<br>Access to the Site<br>Paragraph 2 | 1 | <p><b>HDM Response</b> – When reviewing Personal Injury Collision (PIC) data it is accepted assessment methodology to review the most recently available previous five-year period. Proposals are assessed in accordance with local and national guidance and policies, there is no requirement to undertake a Risk Assessment. Proposed new highways works are usually subject to an independent Road Safety Audit (RSA) process. The proposed access is an established access, historically providing access to the HWRC and other similar quarrying operations without undue problems, in this respect the access arrangements are considered to be acceptable.</p> <p>The route proposed for the removal of the main mineral would not use this right turn lane in normal use.</p> <p><b>Conclusion:</b> Transparent statement, yes you are correct, but what you fail to mention the delivery of inert material. The answer to this question will not be known until the quarry is in operation. Inert material is not usually stockpiled and dug as virgin soil.</p> |
| Paragraph 3 – 5                                         |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Paragraph 7                                             |   | <p><b>HDM Response</b> – Agree there is no way of knowing where inert fill material will be coming from and accept that vehicles could be turning either left or right into the site. The existing access design incorporates a ghost island right turn lane and can accommodate all turning movements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Paragraph 8                                             |   | <p>In these paragraphs KC have highlighted there are <u>highway</u> safety concerns with the current use of the access driveway and with the expected intensification of use we expect that these concerns will increase.</p> <p><b>Conclusion:</b> Incorrect statement, this road will no longer be a <u>highway</u> because it is will be used in conjunction with the quarry access, the Health &amp; Safety Executive states for 'Quarry Vehicles and Edge Protection' the road needs to be wide enough to allow vehicles to pass with ease, for two-way roads they should be three and one times the width of the largest vehicle using the road, these are the minimum acceptable widths. Therefore width of road needs to be 8.92 metres wide. KC recommendation of 6m is incorrect and is extremely inaccurate. Again where are the Risk Assessments, this would be a requirement when you using a shared public access to Bromley Farm Household Waste Recycling Centre.</p>                                                                                      |
| Transport Route<br>Paragraph 2                          |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| Paragraph 5      | <p><b>HDM Response</b> – The road serving the HWRC is a private access road, which has historically served quarrying operations without undue problems. The proposals to widen the access road to 6m will enable a car to comfortably pass an HGV and for two HGVs to pass with care without the need for passing places as is currently the case. It is considered that reference to the Health &amp; Safety Executive and the requirements for ‘Quarry Vehicles’ is referring to quarry vehicles operating within the quarry, not vehicles travelling to and from the quarry on public/private roads.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Paragraphs 6 - 8 | <p>The gate relocation to be setback approximately 17m from the edge of the existing shared driveway.</p> <p><b>Conclusion:</b> KC are assuming there will be only one vehicle waiting to enter the site, from experience this is incorrect, any more than one vehicle would be a risk to people using BFHWR the entrance to the quarry is on a bend, again Risk Assessments required.</p> <p><b>HDM Response</b> – When not in operation the quarry access will be gated, with the gates set-back 17m, sufficient to enable a 16.5m articulated HGV to stand clear of the access road. In the unlikely event that two vehicles arrive before the quarry is open it is acknowledged that the second vehicle would need to stop on the access road. Given that in such circumstances it is unlikely that the HWRC would be open it is considered that this would not have a material impact on highway safety.</p> <p>In this paragraph it has been confirmed by the applicant that 16.5m articulated six axle vehicles as being the type expected to operate at the quarry.</p> <p><b>Conclusion:</b> Ambiguous statement, in this same report under ‘Trip Generation’ paragraph 5, the type and size of vehicle to be used was to be confirmed. Now appears we are using a 16.5m articulated vehicle with a pay load of 44 tonnes, which would require a whole new appraisal of the access road as this vehicle will not be able to park in the existing laybys previously mentioned. A rigid and articulated vehicle is completely different in the way they are used.</p> |

**HDM Response** – The Applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids. The access arrangements can accommodate both types of vehicles. Any abnormal loads requiring access to the site will do so under supervision using the Electronic Service Delivery for Abnormal Loads (ESDAL) system

The proposed transport route should have not been issued to KC in the first instance, because of statutory HGV laws this route should never have been considered, basic transport knowledge or use of a 'Truck Route Planner'.

**Conclusion:** If the proposed route had been accepted, from Community experience we know these vehicles would have used Carr Hill Road HD8 as a short-cut, as this HGV problem currently exists, but would increase with additional HGV's using the quarry, we welcome the correct route and will be monitoring the situation should they arise.

**HDM Response - noted**

Details to be provided on trips caused by extraction and infill and details of proposed/controlled routes should be provided.

**Conclusion:** It is highly unlikely that you can control infill materials as they will probably be imported within the borough. This is a major concern i.e. schools, villages, unsuitable roads and appears to have been overlooked/ignored by KC.

**HDM Response -** Agree there is no way of knowing where inert fill material will be coming from and accept that vehicles could be turning either left or right into the site. The existing access design incorporates a ghost island right turn lane and can accommodate all turning movements. In terms of trip generation, the maximum number of daily HGV movements of 120 i.e. (60 two-way trips), includes extraction of clay and incidental coal, and the import of inert fill

The capacity analysis supplied by PH is very impressive all 167 pages.

**Conclusion:** The report is very computer orientated, which makes you concerned on its accuracy, i.e. the daily environment, this is confirmed in the 'Junction Capacity Assessment' in section 4.25 where PH quote 'It should be

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|  | <p>considered that traffic queues were observed on certain hours, on one day only, which can be unreliable because queue lengths have a large daily variability even with the same levels of traffic demand. The queues shown within the PICADY model are what you would expect to see if you averaged observations from days'.</p> <p>This is unlike the Cumberworth Community manual traffic count which covered all eventualities' including pedestrians, cyclists.</p> <p><b>HDM Response</b> – It is acknowledged that the junction assessment was undertaken using the PICADY computer programme, this is a nationally recognised programme. The use of this programme is accepted industry standard practice to determine the impact of traffic on the operation of junctions. The findings of the assessment are accepted.</p> |
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The Consultation Response Report from Kirklees Council is inaccurate and ambiguous and questions are still not answered, the report has no consideration for the safety of school children, pedestrians and cyclists. The use of the tip access road becoming part of the quarry entrance is a high risk, but to-date no Risk Assessments have been produced, I find this very unprofessional.

Informative reports covering the above have been previously submitted, with no response to my questions; it is obvious from reading your reports that Kirklees Council have not acknowledged or not interested with my comments or concerns, as I am constantly repeating the same questions.

Finally, are KC going to be transparent in informing the HD9 community they will be having an additional 60 plus HGV articulated traveling through their village, because to-date it appears they have not.

## **APPENDIX 2- Cumberworth Quarry Action group objection letter 2**

These comments form the basis for our continued objection to the proposals set out in the above application. They are made in the context of previous submitted papers, our comments and objections made in relation to those papers and in the light of new documentation recently published on the planning portal .

It is imperative that members of the planning committee read those previous objections, especially as many of the inaccuracies, gaps in information and repeated failures to answer questions , asked by ourselves and Kirklees Council , remain unanswered by the developer and its agents. Some of those gaps are so significant that to make an approval judgement in the absence of vital information renders Kirklees council responsible for an unsafe decision that is open to judicial challenge

These comments are in no particular order of priority, but seek to raise concerns that form the basis for our objections from the paperwork submitted.

### **GENERAL COMMENTS**

1. *We note the proposed new route but would point out there has been no consultation either prior or during the latest round of paperwork with those along the route. All of whom will be impacted if this development proceeds.*

**Officer Response -** The agreed HGV vehicle routing between the Quarry and the Applicant's Hazelhead site at Crow Edge uses all-purpose 'A' Classified roads rather than unclassified rural roads that may be unsuitable for intensified and prolonged use by the proposed development traffic. There is no requirement to consult on the use of these roads.

2. *It is our view , supported by evidence that the developers and their agents in this case have treated Kirklees's planning processes and the public with utter contempt. The paper trail of this application demonstrates that they have supplied inaccurate information , incomplete information ,changed information during the process, failed to answer questions and have largely relied on computer generated data analysis . On at least one occasion information produced and in the public domain was supplied for an area not even in Kirklees . This begs the question as to the diligence applied.*

**Officer Response -** The application form includes a declaration section which the applicant is required to confirm that, to the best of the applicant's knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them. The applicant has signed the declaration and in this case the council do not have any reason to question this unless presented with evidence to suggest otherwise.

3. The new paperwork still contains inaccuracies, for example, what is the type and size of vehicle being used ? artic, rigid 3 or 4 axle . This is significant in the assessment of risk , relating to size , the nature of the road conditions , turning requirement , and park up ability . A factor

picked up specifically in the transport section of this objection. What is clear is that the vehicle types are interchanged in the reports . This seems the most basic of information and is necessary to facilitate a full , comprehensive, and safe decision-making process.

4. The trip data for coal extraction is still not evident in the new paperwork. In an application of this type, to say it will be minimal is not good enough .
5. In the original application it was estimated that there are 10,000 tonnes of coal on the development site. Kirklees is still awaiting information on how this will be removed. Either it will increase daily trips, or it will extend the 25-year life cycle that is proposed . These latter two questions are raised by Kirklees Highways and remain unanswered .
6. There is also NO analysis of the transport of inert waste to the site , where this will come from and how it will be transported . This is a significant gap both in terms of traffic flows and any risk analysis.

**Officer Response to 3,4,5 & 6 above – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay, incidental coal, and the import of inert fill**

#### **TRANSPORT SPECIFIC ISSUES**

1. While pleased that the highways team from Kirklees, have indicated that they will not support an application for the use of rural roads and acknowledge the request for additional modelling. The re-routing of HGVs from Carr Hill Road is welcomed, although it begs the question if not suitable for these vehicles why it is suitable for any HGV a matter, we will pick up separately.

**Officer Response - Carr Hill Road has a Traffic Regulation Order prohibiting its use by commercial vehicles greater than 3 Tonne gross weight except for access.**

2. The lack of clarity regarding the size of vehicle and the trip numbers is a significant factor . It should and must be noted that the developer and the agents have changed and modified data to such an extent it is unclear how many trips will take place daily. It should also be noted that the figures DO NOT include trip data for inert waste being brought to the site.

**Officer Response – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay and incidental coal, and the import of inert fill. The Applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids.**

3. As figures are modified by Paragon Highways in reports , it is always in the downward direction and usually done in response to a concern . Kirklees Highways have picked this up , the original application , the interim information and the new documentation all show differing amounts of trips and as is said above we do not know the inert waste trip data.

**Officer Response** – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay, incidental coal, and the import of inert fill.

4. This DOES not stack up , if you are going to extract minerals on a campaign basis over the 25-year period you need to be making a set number of trips of waggons loaded to capacity. The reality is the maths tells you this will be around 60 single trips per day. So, any figures less than that mean the developer is going to either want a longer quarrying period OR they will exceed the permissions granted- Kirklees must clarify this .

**Officer Response** – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay, incidental coal, and the import of inert fill. The application seeks permission for operations to commence and be completed over a period of twenty five years, anything beyond this time would require the applicant/developer to submit a formal application for consideration.

5. Residents have already raised concern regarding violations of routes and volumes with operators to very little by the way of result . So how will any route be policed ?

**Officer Response** - The HGV route between the quarry and the point of production would be controlled by planning condition and would be enforceable by Planning Compliance, in the event that complaints are raised.

6. The modelling throws up some interesting issues with the use of the A road network , particularly at the Sovereign and New Mill junctions. Notwithstanding that there remains no clarity on the size and type of vehicle to be used. The type and size of vehicle is central to the veracity of the modelling , so in its absence caution should be applied .

**Officer Response** - The modelling included an increase in vehicles generated by the proposal site as PCUs (passenger car units) at a level to represent HGVs.

7. There is no reliable accident data factored into the modelling . This is relevant not only because the Sovereign Junction and New Mill Junction are high accident spots, but because delay and excess queuing increases risk. There are many studies that demonstrate that inconvenience, delays, and queuing increase the likelihood of risk taking by drivers.

**Officer Response** - The junction modelling uses the industry standard PICADY software for the analysis of junction capacity, it does not take account of collisions data within its calculations.

8. There is also no consideration of the fact that the New Mill junction is a major junction on the school route for Holmfirth High School and is part of the prescribed walking route.

**Officer Response** - The junction is on the all-purpose A-road network, there are pedestrian facilities on the Penistone Road and Huddersfield Road arms of the junction, and zebra crossings on the Sheffield Road and Holmfirth Road arms.

9. Kirklees Highways requested a repeat of traffic counts on the northern junction of the Sovereign crossroads and junction capacity at New Mill. These are dealt with in section 4 of the Paragon submitted response – there are some specific issues with the findings and the conclusions
- Paragraph 4.7 the junction operates within theoretical capacity but slightly over normal requirements , apart from questioning the veracity of this ,especially in the absence of any accident analysis – is it acceptable to operate outside of the normal requirement.
  - Paragraph 4.10 A635 Holmfirth arm ‘ struggles with existing volumes ‘ , A635 Barnsley arm ‘ struggles with existing volumes ‘
  - Paragraph 4.24 A635 Penistone arm’ struggles with existing volumes

**Officer Response** – It is acknowledged that analysis shows that during the morning and evening peak periods some arms of the junctions, notably Barnsley Road and Holmfirth Rd at the Sovereign junction and Penistone Road at the New Mill junction operate close to theoretical maximum capacity. As junctions approach theoretical maximum capacity queueing and delay starts to increase. The additional development traffic will increase queueing above that currently experienced, but not materially and not to a degree that could be considered severe. During inter peak periods the junctions continue to operate within practical capacity.

10. How can the phrase ‘struggles with existing volumes ‘ equate to a view that increases in existing queue levels are not severe ?

**Officer Response** - Many junctions operate above the theoretical capacity during the peak hours due to traffic demand. The impacts of temporary peak hour increases in traffic are not viewed as being severe.

11. When taken in the absence of Accident data and any consultation from West Yorkshire police , the risk at both junctions, even if the agents paperwork on trip volumes, was clear and consistent , is unacceptable.

**Officer Response** - Records of personal injury collisions (PICs) have been investigated at both junctions and no patterns or clusters of collisions were identified that would be intensified by the proposed development traffic.

12. Paragraph 4.30 concludes and acknowledges operation of both junctions is an issue in terms of theoretical capacity but then proceeds to suggest that this is within normal daily parameters. It is worth noting that these conclusions appear to be based on a morning and afternoon appraisal There is no risk assessment to support this and indeed vital information to support the modelling is absent .

**Officer Response** - The assessments are based on the busiest time of day for the junctions (morning and evening peak hours), when reserve capacity would be at its lowest, as is the convention for junction capacity modelling. All data required for the modelling was provided by the Applicant.

13. There is no analysis of the road condition or the geography . The road from the Sovereign junction has a steep decent down into new mill . This is a 9% gradient and is has signage as such . There are also two severe blind spots which prevent vehicles seeing the queuing traffic until you are on it . The joining junction of Sude Hill and at Huddersfield Road also have traffic queuing at peak times. New speed limits were put in place last year and speeding is an issue.

**Officer Response** - The routes proposed are along all-purpose A-Roads that were considered more suitable than the proposed rural road routing.

14. The Penistone Road is also crossed by a route used by Horse riders at Gate Foot Lane, and this is signposted as such by Kirklees MBC

**Officer Response** – Noted.

15. Pedestrian risk, while the use of Carr Hill Road has been ruled out , (although it is unclear how this will be policed ) there is no acknowledgement of the state of the footpath between the site exit and the Sovereign Junction . The footpath is only on one side of the road , is narrow , often impassible due to mud and or litter and has been subject to a number of wall collapses. For wheelchair users or parents wheeling a pram , it is necessary at points to head into the road which means if you are heading back into Cumberworth , you are not facing vehicles travelling from the Sovereign back to the site.

**Officer Response** – It is considered that the proposed development will have no material impact on the condition or use of the footway between Cumberworth and Sovereign. This footway is part of the adopted highway, if due to poor maintenance or damage the footway has become unsafe this should be reported to the Highway Authority.

16. Where is the evidence in relation to noise and pollution, the number of lorries trundling along Barnsley Road , laden with material for the site is going to impact significantly on the noise and dust experienced by those houses backing onto or facing Barnsley Road.

**Officer Response** - Noted, noise and pollution are not within the remit of HDM. Noise concerns have been addressed else where in the assessment, taking into account the impact on nearby noise sensitive receptors from potential noise from the carrying out of operations.

17. In short there is no impact analysis or risk appraisal of laden waggon (of whatever type) , with a 44-tonne payload , using the now proffered route , which is already busy , is a frequent accidents site – and includes making a descent into backing up and queuing traffic. A decision made in the absence of appropriate risk appraisals by Kirklees Planning to allow this to proceed would be reckless and unreasonable.

**Officer Response** - The proposed all-purpose A-road route is considered safer than the previously proposed rural roads route. Proposals are assessed in accordance with local and national guidance and policies, there is no requirement to undertake a formal Risk Assessment. Proposed new highways works are usually subject to an independent Road Safety Audit (RSA) process. In this case there are to be no physical changes to the highway layout.

18. The highways report states there are bus stops within 1km of the centre of the proposed site . There are in fact two bus stops within 50 metres of the junction into the Bromley Farm Household Recycling centre.

**Officer Response** – Noted, these stops are the ones that are also approximately 1km from the centre of the proposal site. This distance was included to indicate the distance quarry operatives who wish to use public transport would have to walk.

19. A detailed analysis undertaken by the community with an experienced operational transport manager , using the proposed opening hours of the quarry has been supplied to Kirklees highways. This was much more extensive than anything undertaken by the agent, and it illustrated that each weekday 4.3 %of traffic passing the site junction was HGV traffic, with an additional 120 proposed movements this would increase to 6.1%. This level of HGV traffic and the increase proposed is unacceptable.

**Officer Response** - The increase in HGV movements, 120 (60 two-way trips) over a 10-hour day, is not considered an unacceptable increase and would not have a severe impact on the operation or safety of the highway network.

20. The gaps relating to the supply of basic information such as the movement associated with inert waste and the type of vehicle , basic information , render the modelling undertaken inaccurate at best. There are very significant differences and risk associated with Artic or rigid axle vehicles. This point is covered further below.

**Officer Response** – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay and incidental coal, and the import of inert fill. The Applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids. The access arrangements can accommodate both types of vehicles. Any abnormal loads requiring access to the site will do so under supervision using the Electronic Service Delivery for Abnormal Loads (ESDAL) system

21. In paragraph 8 , Paragon Highways confirm the use of 16.5 metre articulated six axle vehicles ( although we note this is different to in previous reports). This has a significant impact on the modelling
- For example, setting a gate 17 metres back , will not allow for two of these vehicles to enter the site without one of them sticking out onto the access road and presenting a hazard. We have already presented evidence regarding quarry operational practice , particularly first thing in the morning.
  - Getting site machinery onto site using a low loader would have no success in not obstructing the access road . These measure 18 meters.
  - Nor would a second vehicle be able to wait in the layby as it won't fit
  - The access via the bell mouth would be very different for a ridged or articulated HGV

**Officer Response** – When not in operation the quarry access will be gated, with the gates set-back 17m, sufficient to enable a 16.5m articulated HGV to stand clear of the access road. In the unlikely event that two vehicles arrive before the quarry is open it is acknowledged that the second vehicle would need to stop on the access road. Given that in such circumstances it is unlikely that the HWRC would be open it is considered that this would not have a material impact on highway safety.

The Applicant has confirmed that around 5% of HGV vehicle movements will be by articulated vehicles, with the remaining 95% being 20 Tonne rigids. The access arrangements can accommodate both types of vehicles. Any abnormal loads requiring access to the site will do so under supervision using the Electronic Service Delivery for Abnormal Loads (ESDAL) system

22. We have previously referred to the Health and Safety Executive operating procedures for Quarries . The 'quarry Vehicles and Edge Protection ' guidance states the road needs to be wide enough to allow vehicles to pass with ease , for two-way roads they should be three and one times the width of the largest vehicle using the road – THESE ARE THE MINIMUM ACCEPTABLE WIDTHS. The road therefore needs to be at least 8.92 metres wide , so 6 metres, as recommended by Kirklees , is incorrect

**Officer Response** – The road serving the HWRC is an unadopted private access road over which public access rights exist, which has historically served the HWRC and similar quarrying operations without undue problems. The proposals to widen the access road to 6m will enable a car to comfortably pass an HGV and for two HGVs to pass with care without the need for passing places as is currently the case. It is considered that reference to the Health & Safety Executive and the requirements for 'Quarry Vehicles' is referring to quarry vehicles operating within the quarry, not vehicles travelling to and from the quarry on public/private roads.

23. This is a shared public access to Bromley Farm Household Waste recycling Centre; it is not a highway according to the standard definitions. A quarry access road used in part by members of the public requires a detailed risk appraisal - Where is the risk appraisal ?

**Officer Response** – The road serving the HWRC is an unadopted private access road over which public access rights exist, which has historically served the HWRC and similar quarrying operations without undue problems. As such and given that no significant highway works are proposed an RSA was not deemed necessary.

24. To suggest that the existing bell mouth access, would be acceptable is misleading, not only because of the interchangeable nature of vehicle type in the reports but because no consideration has been given for pedestrians or cyclists .We are unclear as to whether Kirklees has satisfied itself that the kerb radius is 10meters , if this has been done from ariel maps then it is likely to be inaccurate .

**Officer Response** - The proposed access is an established access, historically providing access to the HWRC and other similar quarrying operations without undue problems. The junction design incorporates a ghost island right turn lane and can accommodate all vehicle turning movements, in this respect the access arrangements are considered to be acceptable. Other than pedestrians using public footpath DEN/84/10, crossing the access road it is anticipated that use of the access by pedestrians and cyclists will be minimal. Signing warning drivers of pedestrians and pedestrians of traffic are positioned at the entrance and where the footpath crosses the access.

25. None of the modelling takes into account the inert material trips , this will not be arriving from points along the proposed route . It is known that inert material can come from anywhere , both locally and nationally , so vehicles are likely to come from all directions not as is suggested. This significant gap not only impacts on trip numbers but on the road modelling and on any risk assessment .

**Officer Response** – The maximum number of daily HGV movements will be limited to 120 (60 two-way trips), this includes extraction of clay and incidental coal, and the import of inert fill. Agree there is no way of knowing where inert fill material will be coming from and accept that vehicles could be turning either left or right into the site. The existing access design incorporates a ghost island right turn lane and can accommodate all turning movements. Trips arriving at the site from other directions are likely to reduce traffic impact on the modelled junctions.

26. Overall, there is complete silence on the issue of cumulative assessment which the council is obliged to undertake . The approval of housing developments , and other quarrying sites has meant increased pressure on all the roads . The knock on though, is that the main road doesn't sit in isolation from the other more rural roads , being used as a rat run . Skelmanthorpe to Barnsley Road is a good example . The excessive pavement parking on the junction of Cumberworth Lane outside the post office, means cars are often jutting onto Barnsley Road . This has been reported although no action has resulted.

**Officer Response** - A review of committed and allocated development sites in the area was undertaken as part of the assessment process, no significant sites were identified that required inclusion and consideration in terms of traffic impact assessment.

## **ENVIRONMENT**

1. We have previously highlighted serious concerns about the impact of this development on the biodiversity . These are not addressed by the new information
2. We know that the firing of clay is energy intensive. Where is the downstream environmental impact assessment arising from the Supreme court judgement ? Any EIA must consider the whole effects of a project , this needs to be established by evidence , not speculation or conjecture. Information on likely downstream impact must be available to the Local Planning Authority before any decision is made. This should include all phases of the project , construction , commissioning , operation, and decommissioning. The EIA in this instance is incomplete
3. While there are updated environmental reports there is no updated ecology report . We know the site is home to protected species and there is no new information on how this will be preserved
4. The loss of amenity is a loss forever . The quality of life for residents reduced should this proceed, this is a popular walking route used by those living locally as well as visitors.
5. There is a strategic gap in relation to convincing residents that Kirklees takes the environmental and heritage fabric of Kirklees seriously . Once developed green belt is lost. This site borders the village of upper Cumberworth with its conservation area . The absence of effective policing of restrictions placed on developers means that the roads through the village are little more than a rat run , for drivers wanting to save a few minutes. The noise , dirt, and risk this presents outside the school is significant . Where is the mitigation action promised by councillors Turner and Simpson ? and what is the strategy to preserve this heritage.?

**Officer Response:** The above objections have been addressed in the assessment of the application.