

2 February 2024

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Dear Sir or Madam,

**Application under Section 73 of the Town and Country Planning Act (as amended) to vary conditions 2 & 29 and remove conditions 15 & 33 pursuant to application ref: 2013/90793 for mineral extraction at Land adjacent Thewlis Lane, Crosland Moor, Huddersfield, HD4 7AB.**

On behalf of our client Myers Group please find enclosed an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2 & 29, and remove conditions 15 & 33, pursuant to the planning application ref: 2013/90793 at Land adjacent Thewlis Lane, Crosland Moor, Huddersfield.

This submission follows various pre-application discussions with LPA Officers.

**Submission Documents**

The following documents have been submitted online via the planning portal in support of the application:

- Completed Application Forms and Certificates (Savills);
- Backfill Report (Johnsons Wellfield) – PRIVATE AND CONFIDENTIAL
- Viability Report (Savills) – PRIVATE AND CONFIDENTIAL;
- Proposed Restoration Scheme with Retained Rock Face, Plan ref: TL1181 – D6v1 (Bright & Associates); and
- Flood Risk Assessment and Surface Water Drainage Strategy by Hafren Water (ref: 3531/FRA).

**Background**

Planning application ref: 2013/90793 approved the extraction of minerals at Thewlis Lane Quarry. The permission included several conditions which sought to govern the phasing of the mineral extraction and the restoration of the site, back to an agricultural use, with details such as timetables and method of the backfill to an engineered standard (to allow future residential development).

Discharge of condition applications were submitted which provided the necessary details. This included Thewlis Lane Quarry extraction taking place at the same time as extraction at the nearby Airfield Quarry. Shale extracted from Airfield would be used to backfill Thewlis Lane Quarry to an engineered standard.

On the understanding that the site would be restored to an engineered standard that would enable future development, the Thewlis Lane Quarry and adjacent land was allocated for housing within the Local Plan. Its reference is HS22 and has an indicative capacity of 500 units. This is broken down into 243 units within the plan's 15-year lifetime and 257 post plan giving due regard to the timeframe of restoration.

Due to viability issues, Myers Group is unable to comply with the details previously submitted, and approved by the LPA, to discharge the phasing and restoration conditions. This is supported by a Thewlis Lane Engineered Backfill Report which details four scenarios and considers the financial cost, environmental impact, and public benefit through open space of each scenario. It concludes that scenario 1 (the approved approach)

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is unviable and recommends that scenario 3 be implemented. Scenario 3 proposes a low level of restoration, so that the void may be used as a public open space (in due course), but would not accommodate dwellings.

The proposed amendments in respect of the relevant conditions are outlined as follows:

### **Condition 2**

Condition 2 states:

*“The extraction of all minerals, the removal of all buildings, plant and machinery and the restoration of the site for agriculture and nature conservation shall be completed by 31 December 2025”*

This application seeks to vary this condition to read as follows:

*The exhaustion of extraction of all minerals, the removal of all buildings, plant and machinery and the restoration of the site shall be completed by 31 December 2026.*

The proposed revision seeks to allow some additional time for the completion of the mineral works and restoration as required.

### **Condition 15**

Condition 15 states:

*“The site shall be worked in 8 phases in accordance with approved plan series 10093/455, 10093/456, 10093/457 Rev. C, 10093/458, 10093/459 Rev. C, 10093/460, 10093/4461 and 10093/462”.*

This application seeks to remove this condition. The majority of the site has now already been worked. Notwithstanding this, the phasing of the site has changed over recent years as a result of various unforeseeable circumstances, including a significant mineral fault found at the site during the mineral works.

### **Condition 29**

Condition 29 states:

*“After completion of mineral extraction in each phase the site shall be progressively restored to agriculture/nature conservation in accordance with the restoration concept indicated on Plan no. 10093/468 ‘Restoration Plan’ and a detailed scheme to be submitted to and approved in writing by the Mineral Planning Authority prior to the development hereby approved commencing. The submitted scheme shall provide for:*

- (a) the phasing and direction of backfilling of the site*
- (b) the removal of plant, machinery, haul roads and fences;*
- (c) spreading a minimum depth of 350mm subsoil and 250mm topsoil over the backfilled overburden in agricultural grassland areas;*
- (d) spreading a minimum depth of 500mm subsoil or sandy overburden over the backfilled material on areas to be restored to nature conservation*
- (e) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;*
- (f) details of cultivation techniques and equipment to be used;*
- (g) 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;*
- (h) provision of any temporary surface water drainage ditches where restored levels may cause a risk of ponding;*
- (i) grass seeding of any areas to be returned to agriculture including details of proposed seed mixture;*
- (j) details of the restoration to nature conservation including seeding and planting details,*

- (k) removal of all storage/screen mounds;*
- (l) reconstruction of drystone walls and provision of gates in the local style;*
- (m) comprehensive details of post restoration drainage arrangements for the site;*
- (n) full details, including construction specification, for the proposed Bridleway link from Thewlis Lane to Sutherland Drive*
- (o) programme of works and timescales; The approved scheme shall be fully implemented following its approval”.*

This application seeks to vary this condition to read as follows:

*After exhaustion of mineral extraction in each phase the site shall be progressively restored in accordance with the restoration concept indicated on Plan no. TL1181 – D6v1 ‘Restoration Scheme’*

### **Condition 33**

Condition 33 states:

*On receipt of the written approval of the Mineral Planning Authority for the works required by Condition 32 above, topsoil shall be spread over the surface of the areas to be restored to agriculture to the depth specified in Condition 29. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.*

This application seeks to remove this condition given the site is no longer going to be restored to agriculture and the required restoration detail is covered in the proposed revised Condition 29.

Please note that some of the supporting information should remain private and confidential, notably the associated Viability Report (Savills) and the Engineered Backfill Report (Johnsons Wellfield).

We trust that you have all the information required to validate and determine the application favourably. If however you do require any additional information then please do not hesitate to contact me.

Yours sincerely

*Rebecca Housam*

Rebecca Housam  
Director