

15 July 2024



Planning and Development
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Dear Sir or Madam,

Application under Section 73 of the Town and Country Planning Act (as amended) to vary conditions 1, 19, 24, 29, 34, 36 & 37 and to remove conditions 10, 12, 13, 14, 20, 33, 38, 39 & 40 pursuant to application ref: 2019/90949 Variation condition 18 (crushing and screening operations) on previous permission 2013/90739 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 1, 19, 24, 29, 34, 36 & 37, and to remove conditions 10, 12, 13, 14, 20, 33, 38, 39 & 40 pursuant to the planning application ref: 2019/90949 Variation condition 18 of application 2013/90739 for mineral extraction 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);
- Planning Conditions Tracker (Savills);
- Backfill Report (Johnsons Wellfield) – PRIVATE AND CONFIDENTIAL
- Viability Report (Savills) – PRIVATE AND CONFIDENTIAL;
- The Quarry Landform TL1181-D7 Sheet 1 (Bright & Associates)
- The Restoration Landform TL1181-D7 Sheet 2 (Bright & Associates); and
- Flood Risk Assessment and Surface Water Drainage Strategy by Hafren Water (ref: 3531/FRA).

Background

Planning History

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 further associated details such as agreed timescales and the method of backfill to an engineered standard, to facilitate the potential redevelopment of the site moving forward.

Various follow-on applications were submitted to the LPA to discharge relevant planning conditions attached to the original consent ref: 2014/90396; 2014/90920 and 2019/91053. The approved plans demonstrated the Thewlis Lane Quarry extraction taking place at the same time as extraction at the nearby Airfield Quarry. As agreed, Shale extracted from the Airfield would then be used to backfill Thewlis Lane Quarry to an engineered standard. The approved site levels would then enable the site to be redeveloped moving forward once the quarry site had been worked, subject to the necessary planning consents.

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Planning application ref: 2013/90793 was then varied in 2019 with a S73 application ref: 2019/90949 which varied condition 18. A new decision notice was therefore issued in 2019.

Site Allocation

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

Engineered Backfill

Due to viability issues, notably the significant increased costs of an engineered backfill, coupled with a lack of return on the worked site (due to a significant fault), the Myers Group is no longer able to comply with the restoration details previously approved by the LPA in relation the phasing and restoration of the site. The relevant phasing and restoration details were agreed in discharge of condition application ref 2014/90920 and referenced in the aforementioned S73 application ref: 2019/90949 at Condition 29.

The Myers Group are therefore proposing a revised restoration scheme for the site which is supported by a Thewlis Lane Engineered Backfill Report (submitted for consideration in support of this application). This Report details various restoration scenarios and in doing so, considers; the financial cost; the environmental impact; and the public benefit through the provision of open space, for each scenario. This Report concludes that scenario 1 (the approved approach) is no longer viable and therefore recommends that scenario 3 should be implemented instead. This conclusion is supported by various development appraisals undertaken by Savills as detailed in the Appraisals Report. Scenario 3 proposes a low level restoration of the worked quarry site instead of an engineered backfill.

The suggested approach in line scenario 3 (low level restoration) would also, in turn, enable the former quarry area (the void) to be used as a public open space in due course, in line with any residential development on the surrounding 'virgin ground' moving forward. This would therefore enable Site Allocation ref HS22 to come forward for development, subject to the necessary planning consent(s) in due course.

Proposals sought through this S73 Application

As above, this application seeks to vary conditions 1,19, 24, 29 34, 36 & 37. The proposed amendments in respect of the relevant conditions are detailed in the accompanying Conditions Tracker. The proposed condition amendments are largely to enable a low level restoration scheme, as opposed to an engineered backfill of the former quarry area. Some amendments are also proposed to amend the agreed period of time for the quarry to be restored and to agree revised restoration details including a low level restoration and seeded grassland.

This application also seeks to remove conditions 10, 12, 13, 14, 20, 33, 38, 39 & 40. The relevant conditions and the associated justification is detailed in the accompanying conditions tracker. The proposed removal of these conditions is largely to remove conditions which are no longer considered to be relevant to the site, given the details therein have either been superseded by events and or they refer to a restoration scheme which requires an engineered backfill and restoration of the site for agriculture and nature which is no longer possible. As above, the allocation of the site for residential development within the adopted Local Plan supersedes its restoration to nature and agriculture. An alternation site restoration scheme is therefore proposed for consideration as part of this S73 application which includes a low level restoration and seeded grassland.

We trust the information enclosed is sufficient to validate and determine the application however, if you require any additional information then please do not hesitate to contact me.



Yours sincerely

Rebecca Housam
Director