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:	**2024/62/91904/E**
Site Address:	Temple Quarry, Liley Lane, Grange Moor, Huddersfield, WF4 4EN
Description:	Replacement of the existing recycling and waste transfer station with the erection of a wash plant
Recommending Officer:	Farzana Tabasum

DECISION – Conditional Full Planning 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: 19/12/2024

Site description:

Temple Quarry is an operational quarry, situated off the B6118, Liley Lane. The quarry is located on a plateau and surrounded by dense woodland which provides a substantial screen. The area surrounding the site is mainly open agricultural / woodland, with a few isolated residential properties in the area, the nearest being approximately 100m to the northeast, off Liley Lane. Access into the site is from Liley Lane via an existing quarry access road which is surfaced with concrete and provides a wide bell mouth at the entrance point. The site also accommodates a recycling and waste transfer station which benefits from a temporary planning permission, with an end date to 30/06/2028, extended under application reference 2015/91252.

A grade II listed monument (Black Dicks Temple) lies north of the site. A public right of way (KIRK/31/30) also runs parallel with the northern boundary of the quarry.

Description of Proposal:

The applicant seeks permission to erect a new wash plant within the confines of the existing working quarry site as shown on the submitted site plan/topographical survey drawing ref: 10244/02. This would be served by the existing access road serving the quarry. The wash plant is proposed to be electrically powered and fitted with a closed water cycle. That applicant has "*advised this will enable the recovery of a much higher proportion of aggregate and soils from site discard and imported construction, demolition and excavation wastes… Any reject materials would be in the form of filter cake, which will be deposited in the quarry for restoration purposes"*.

The deposit of imported waste is included within the site's planning permission as a means of restoring the quarry.

The new batching plant is shown in plan view and elevations on drawing reference SP1352 LAYOUT 01A. The plant would be located on a new concrete pad measuring 28.60m by 74.10m, amounting to 2,119sqm and would be set at approximately 215m AOD. A 10m wide access area would surround the plant, making a total area of 4,573sqm. The overall height of the plant equipment is shown at approximately 10.40m.

The supporting statement states that there would be no need for any off-site drainage as the site drains to existing settlement lagoons in the southeast corner of the existing quarry. Water is proposed to be drawn from the lagoons to feed the wash plant and for general dust control activities within the quarry. No surface water drainage is proposed to leave the quarry.

The waste products would be taken from the washer to a number of bays containing different sized aggregates and soils.

The proposed wash plant would include crushing and screening equipment which is proposed to replace the existing recycle and waste transfer station, currently being operated at the site, hence the change in the development description to include the replacement of the existing facility on site, to which the applicant has agreed in an email dated 13/12/2024.

Relevant Planning History:

98/62/93299/E0 – Mineral extraction and restoration by landfill – Approved 09/02/2000.

2008/62/92155/E0 – Use of land for recycling and waste transfer station – Approved on 26/09/2008 for a temporary period to 30/09/2010.

2011/62/92313/E0 – Formation of recycle and waste transfer station – Approved for a temporary period of 24 months to 14/05/2014.

2015/70/91252/E0 – Variation condition 2 (operation time limit) of previous permission 2011/92313 for formation of recycle and waste transfer station – Approved personal to the applicant. All approved recycling and waste transfer activities are required to permanently cease at the site by 30/06/2028.

2019/93371 – Variation of condition 3 and 13 and removal of condition 18 of previous permission 98/93299 for mineral extraction and restoration by landfill – granted May 2023. The extraction of minerals is to cease by 30/04/2032 and restoration of the site is to be completed no later than 30/12/2032.

2023/92221 – 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 of previous permission 98/93299 for mineral extraction and restoration by landfill – Split decision issued 27/10/2023.

History of Negotiations:

Other than seeking clarity and confirmation that the proposed wash plant would be replacing the existing recycling and waste transfer activities, and agreement to a change in the development description (agreed 13/12/2024), no negotiations were deemed necessary. It was not considered necessary to readvertise the proposals once the applicant provided clarification regarding the information initially submitted with the application.

Representations:

The application has been advertised as a major development via site notices and through neighbour letters sent to properties bordering the site, and was advertised within a local newspaper.

Final publicity date expired: 06/09/2024.

No representations were received in response to the proposal.

Consultation Responses:

- K.C. Highways – Support the proposals
- K.C. Lead Local Flood Authority (LLFA) - The proposed washing plant does not increase flood risk therefore no comments.
- The Coal Authority – No objections, subject to informative notice to be imposed on decision notice.

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).

The site is in the Green Belt on the Kirklees Local Plan.

- LP21 – Highways and access
- LP23 – Core walking and cycling network
- LP27 – Flood Risk
- LP28 – Drainage
- LP35 – Historic Environment
- LP44 – New waste management sites
- LP43 – Waste management hierarchy
- LP46 – Waste disposal
- LP51 – Protection and improvement of air quality
- LP52 – Protection and improvement of environmental quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF 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.

- Section 6 – Building a strong, competitive economy
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment
- Section 17 – Facilitating the sustainable use of minerals

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 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 –

1) Principle of development
1) Impact on residential amenity
2) Impact on highway safety
3) Drainage and flood risk
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

As noted above the site lies in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to this are set out in paragraph 154 of the NPPF, provided they preserve its openness and do not conflict with the purpose of including land within it. The exceptions include mineral extraction and engineering operations but does not include the use of land for the disposal of waste and as such very special circumstances would be expected to be demonstrated.

However, in this instance the proposals would essentially be replacing the existing recycling and waste transfer station previously approved following the consideration of the following very special circumstances submitted at the time, which were:

- The extant planning permission relating to the extraction of mineral at this site allows the import of waste material to aid in the final restoration of the site;
- The proposals would not be of harm to the (five) purposes of including land within Green Belt;
- The proposal would make available material that would be used to facilitate the restoration of the site, which when completed would relate well to the wider surrounding landscape and Green Belt; and
- The recycling of waste moves its treatment up the waste hierarchy, and a proportion of the imported waste would be used in the final restoration of the site rather than simply being disposed of.

The proposed wash plant would not only utilise land within an active quarry/landfill, it would also enable the applicant to increase the rate of recovery of waste materials, making a significant contribution to the recovery of the construction, demolition and excavation wastes at the same time as providing primary aggregates for the national bank for aggregates.

The very special circumstances set out above remain applicable to the current proposals and are considered to outweigh the harm by reason of inappropriateness. This, together with the long -erm benefits associated with allowing the development, would outweigh any potential harm to the Green Belt. On this basis, the principle of replacing the existing recycling and waste transfer station is acceptable, on this waste safeguarded site (WS61).

The site is an operational quarry which benefits from an extant permission, where the extension of time was last extended by permission reference 2019/93371, which requires mineral extraction to cease by 30/04/2032 and for the restoration of the site to be completed by 30/12/2032. This permission includes restoration phases to be completed by certain times. Phase 2 restoration appears to overlap the proposed siting area for the wash plant, which is to be completed by 30/12/2026. It is likely the restoration works may be delayed or amended to allow the continued use of the wash plant to

correspond with the end date (30/12/2032) of the 2019/93371 permission. As such a condition will be necessary for the wash plant and all associated equipment to be removed from site by 30/04/2032.

2 – Impact on residential amenity:

There are only a few isolated residential properties in the area. The nearest are approximately 460m to the northwest and 380m to the southeast off Liley Lane.

The proposals will inevitably result in noisy operations, not only from the coming and goings of HGVs but also during the unloading and loading of waste/aggregates. The submitted statement states

> "*The plant will be sat at around 215m aod within the quarry excavation and at its highest would be 10.4m above the floor at 225.4m aod. The Quarry perimeter varies in height from 223m aod in the northwest corner to 220m aod in the northeast corner. The perimeter rises to 228m aod in the southwest corner and 223m aod in the southeast corner. The highest part of the plant would therefore protrude above the perimeter levels by between 2m and 5m on the northern boundary, and would be below perimeter levels in the southwest corner. Land levels fall from the quarry perimeter on all sides except to the southeast. However, a minimum 73m wide mature woodland belt provides an effective screen on this side".*

The wash plant is proposed to be electrically powered from the grid, without the need for diesel generators which are usually the noisiest elements of waste recycling plant. The crusher and screen attached to the plant is stated to replace the existing screen and crushing plant.

The woodland belt mentioned by the applicant could provide visual screening, however it would not provide the acoustic screening that a solid barrier would. Nevertheless, it is again noted that the application site is remote from any noise sensitive receptors, and it is likely that a combination of the restriction in noise emissions caused by the proposed operations and the considerable distance to residential properties would result in a significant reduction in the levels of noise reaching these properties, and would not give rise to additional noise levels when compared to the current operations carried out at the site. The submitted statement states that the noise levels would remain compliant with the limit set by conditions relating to the mineral extraction permission 2019/93371. As this is a standalone application it would be necessary to impose the relevant noise restriction condition on this application, as well as an additional condition requiring the noise control measures set out in paragraph 9.16 of the supporting statement to be adhered to accord with Local Plan Polices LP44 and LP52 and guidance within the NPPF.

With respect to dust, with the proposed wash plant it is proposed to use a wet process with the products deposited off the plant conveyors. These are likely to have a moisture content. The applicant advises that the only potential for dust would arise from the feed hopper and loading out of product from the stockpile bays. As such a number of dust mitigation measures are proposed, set out in 9.19 of the submitted statement. While there are no significant concerns in relation to dust, given the proposals are to be sited within an excavated area of a quarry (although not on the lowest part of the quarry floor), it would be appropriate to impose a condition requiring the works to be carried out in accordance with the mitigation and management measures (which includes use of water bowser, water spray bars etc) set out in both paragraphs 9.19 and 9.20 of the submitted statement, to accord with Local Plan Policies LP44 and LP52.

3 – Impact on highway safety:

Local Plan Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would 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.

The proposals would include the importation of around 190,000 tonnes per annum of mainly highways arisings from which 150,000 tonnes (80%) is stated would be recovered as washed aggregate and soils. The majority of the waste is stated to come from Kirklees Council highways depots at Honley and Headlands Road, Liversedge. The remaining 40,000 tonnes of filter cake (compressed waste) is proposed to be deposited into the quarry as part of the restoration process. The filter cake is proposed is to be worked on a daily basis to ensure that fines from the filter cake are not released into the quarry drainage system.

The applicant states that the quarry also has large quantities of discarded material (including the backfill from previous opencast coal working) which could be washed to recover usable aggregate, and that operations could be conducted within the traffic limit set by condition 8 of planning permission 2019/70/93371/E0, which states that “The total number of heavy good vehicles (HGVs) to and from the site shall not exceed 30 in and 30 out per day”.

K.C. Highways Development Management (HDM) have assessed the proposals and provided the following comments:

> “*This application is for the erection of a washing plant and concrete base within a working quarry site with an existing access on to B6118 Lilley*

Lane, a 40mph secondary rural distributor road of approximately 7m width with a footway on the side of the site access and no street lighting.

A check of "injury-accident" collision data on B6118 Lilley Lane to either side of the access indicated that during the previous 5-year period there had been 4 recorded collisions, two serious and two slight, however none of these were at the access to the quarry site or involved quarry HGVs and so we must assume that the quarry access is operating safely.

Condition 8 of previous permission 19/93371 limits HGV movements at the quarry to 30 two-way movements a day and paragraphs 3.9 and 9.12 of the supporting planning statement indicates that the proposals wouldn't generate additional HGV trips to the site.

It is noted that the application form suggests that there may be an additional member of staff employed at the site which may increase trips by 1 vehicle per day and this would be acceptable.

We would expect additional trips to be generated during the construction period, but this would not be expected to have a severe impact on the operation or efficiency of the local highway network. Previous permission 19/93371 includes a s106 maintenance contribution for any excessive wear on B6118 between A624 and A62.

With this we consider that the proposals would have no additional impact on the local highway network during normal operation and so we would not wish to object on highways grounds."

As noted above, this is a standalone application, as such a condition would be necessary to ensure there is no increase in HGV movements (over and above those restricted by the 2019 permission) when both operations are being carried out.

Overall in relation to highway matters, subject to the above suggested condition the proposals would comply with Local Plan Policies LP21 and LP44 as well as guidance in the NPPF.

4 – Drainage and flood risk:

Policy LP27 of the Local Pan relates to flood risk. Also of relevance is Policy LP28 which requires surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. This is consistent with guidance at Section 14 of the NPPF.

The Lead Local Flood Authority (LLFA) has assessed the submitted details and advises that "*the proposed washing plant does not increase flood risk therefore the LLFA has no comments*".

5 – Other matters:

Heritage setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their settings or any features of a special architectural or historic interest which they hold. Also of relevance is Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Due to their scale and the intervening distance and topography, it is considered that the proposals would not impact on the Grade II listed monument (Black Dicks Temple) which lies north of the site, nor would the setting of that monument be adversely affected.

Likewise, with respect to the public right of way (KIRK/31/30), as the proposals would be contained within the quarry void and served by the existing access road, there would be no adverse impact on the nearby PROW or users of it.

Coal legacy matters:

The application site falls within the defined Development High Risk Area.

The Coal Authority (CA, and now renamed the Mining Remediation Authority) records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. On consideration of the proposals, the CA raised no objections and advised that an informative note should be included on the decision notice, in the event the application is approved.

Accordingly, it is recommended that a link to the full advice of the CA be included on the council's decision notice.

6 – Representations:

No representations are received in response to the proposal.

7 – Conclusion:

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: 2024/91904
Decision Authorisation: Delegated Powers
Officer Recommendation: Conditional Full Permission

Conditions and Reasons

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 development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP43, LP44, LP46 and LP52 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Use of the wash plant and all operations associated to it shall permanently cease by 30/04/2032 and all plant, equipment and machinery associated with the wash plant shall be removed and the site shall thereafter be restored in accordance with the details approved pursuant to planning permission 2019/93371.
Reason: In the interest of the environment and amenity, to accord with the approved
restoration scheme for the site and compliance with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

4. The maximum number of heavy goods vehicles (HGVs) trips to and from the site shall not exceed 30 in and 30 out on any single day. The totals stipulated in this condition are cumulative and include the HGVs using the site entrance (in and out) under planning permission reference 2019/93371 for the existing operational quarry.

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.

5. 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 LP44.

6. Except in the event of emergencies, to maintain safe quarry working or when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Mineral Planning Authority is notified of the emergency within the following 24 hours

a) no operations other than water pumping, servicing, environmental monitoring and testing of planting shall be carried out at the site except between the following times:

- 07:00 – 18:00 hours
- 08.00 - 14.00 Saturdays
- with no working at all on Sundays or Bank Holidays.

b) no servicing, maintenance and testing of plant shall be carried out at the site between 22:00 and 07:00 hours on any day and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents, environmental conditions and to accord with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

7. Noise produced by the operation of the site including backfilling with imported waste and restoration shall not exceed a limit of 45 db(A) laeq (1 hour) Free Field) at the nearest noise sensitive property except at Nineveh south east of the site where it shall not exceed a limit of 47 db (A) Laeq (1 hour).
Reason: In the interests of local amenity and to safeguard the amenities of nearby residents in compliance with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

8. The noise control measures set out in paragraph 9.16 of the supporting statement, dated June 2024, shall be adhered to at all times.
Reason: In the interest of local amenity and to accord with Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

9. The dust mitigation and management measures set out in paragraphs 9.19 and 9.20 of the supporting statement dated June 2024, shall be adhered to at all times.
Reason: In the interest of local amenity and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

10. Only inert demolition rubble, concrete, bricks, soils, plastic, wood and metal shall be imported into the site for recycling/washing.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

11. There shall be no discharge of foul or contaminated drainage/water from the site into either groundwater or surface waters, whether direct of via soakaways.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow points should be detailed to discharge downwards into the bund.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

13. No waste materials shall be burnt on the site.
Reason: To protect the amenity of nearby residents and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

14. In the event of prior cessation of the wash plant and all operations associated to it for a period of six months, all waste, contaminated materials, buildings, plant, equipment and machinery associated with such use shall be removed and the site shall be restored in accordance with the approved restoration scheme and timescale pursuant to planning permission reference 2019/93371.
Reason: To ensure the satisfactory restoration of the site and to accord with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

See link below to full informative advice and comments from the Coal Authority (now the Mining Remediation Authority), dated 22/07/2024:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f91904

See link below to planning permission 2019/93371:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93371

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	10244-01		08/07/2024
Proposed site plan and topographical survey	10244-02		12/07/2024
Proposed wash plant and C&D recycling plant, layout plan	SP1352 01A		08/07/2024
Supporting Statement	Dated June 2024		08/07/2024

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 Local 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. Other than seeking clarity regarding the works proposed and agreement to amend the development description, no other negotiations were considered necessary.

Report Dated: 18/12/2024