OX LEE QUARRY, BEDDING EDGE ROAD, HEPWORTH

SECTION 73 APPLICATION FOR A VARIATION OF CONDITION 3 of PLANNING PERMISSION 2013/70/92388/W0 FOR AN EXTENSION OF TIME FOR A FURTHER 3 YEARS FOR EXTRACTION AND RESTORATION

FOR

JULY 2024

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1.0 INTRODUCTION

1.01 Silkstone Environmental Ltd has prepared this supporting statement, on behalf of Wavin Ltd as part of a Section 73 planning application under the Town and Country Planning Act 1990 (as amended) to be submitted in relation to Ox Lee Quarry, Bedding Edge Road, Hepworth, Huddersfield.

1.02 The quarry is owned and operated by Wavin Ltd and is associated with clay mineral extraction used for the manufacture of clayware products. Wavin is also a leading supplier of water management, plumbing and drainage systems for the Building, Construction and Utilities markets.

1.03 Ox Lee Quarry is currently permitted under planning permission 2013/70/92388/W0 granted on the 13th December 2013. The current permission states that the extraction of all minerals shall be completed by 31st October 2024 and the site fully restored by 31st October 2025. Operations are currently in Cut 3 of the 12 planning permitted cuts.

1.04 The site has historically been worked for clay and shale for the manufacture of vitrified clay pipes and is to be restored back to a mixture of pasture, woodland and wetland areas.

1.05 This Section 73 application is for the operators to extend the period of time required to operate and restore the site due to a delay in receiving a pre-application response from Kirklees Council to a proposed revision to the approved restoration scheme.

1.06 Also, although the clays and shales within the quarry have not recently been required as part of the blend for pipe manufacture at the Hazelhead Works site, the operators are seeking an extension of time to keep the application live for commercial reasons as circumstances may dictate a requirement to recommence working the site. If this were to be the case, a subsequent planning application would be submitted for a further extension of time accompanied by the required technical reports.

1.07 The rate of mineral extraction from Ox Lee Quarry has been variable and dependent upon two factors, firstly the production rate at the Hazlehead works and secondly the variations in characteristics of the composition of the overall clay blend. Changes in properties of other constituents of the production blend may necessitate changes in the level of requirement for the Ox Lee mineral.

1.08 The whole site, including the soils and overburden storage areas is approximately 23 Hectares (ha) in size, of which approximately 4.6 ha is still to be worked.

1.09 The pre-application was submitted on in August 2023 for a revised restoration scheme due to the requirements of Condition 4 for the cessation of mineral operations which states: The currently approved restoration scheme is based on all the mineral being extracted.

In the event of cessation of mineral extraction prior to the achievement of the completion of the approved scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of

paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised reclamation scheme to include details of restoration and aftercare and a timetable for implementation shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the cessation of mineral extraction. The scheme shall provide for:

a) Restoration contour drawings of the whole site based on 1 metre intervals.
b) Replacement of stored overburden, removal of screen mounds, settlement ponds and
haul road.
c) The selective placement of all available topsoil, subsoil and soil making materials.
d) The establishment of a grass sward.
e) Completion of stone walled enclosures.
f) A post-restoration drainage scheme.
g) Location of tree planting species, spacing and planting methods.
The approved revised reclamation scheme shall be fully implemented within

1.10 As only 3 cuts of the 12 cuts have been fully extracted the operator was looking to close the quarry and propose a low level restoration scheme as shown on plan 21123/102 attached. This is the scheme submitted in the pre-application to Kirklees but has not been formally agreed at the time of writing so an extension of time is required to agree a scheme and complete restoration on the site.

1.11 Condition 3 of the decision notice states:

The extraction of minerals and the removal of all buildings, plant, machinery and the site haul road and access shall have been completed by 31 October 2024 and the site restored to agricultural land within the meaning of the Agricultural Act 1947 to the satisfaction of the Local Planning Authority by 31 October 2025.

1.12 The operators are seeking an extension to this condition for mineral extraction to be completed by the 31st October 2027 with restoration completed by 31st October 2028.

2.0 Site History and Current Situation

2.1 The quarry has been operated by Wavin Ltd (formerly Hepworth Building Products) since the 1980's and is associated with clay mineral extraction used for the manufacture of clayware products.

2.2 The currently approved restoration scheme, Ref 12204/506 proposes restoring land back to a mixture of pasture, woodland and wetland areas.

2.3 The whole site, including the soils and overburden storage areas is approximately 23 Hectares (ha) in size, of which there are approximately 4.6 ha still to be worked.

2.4 Cuts 1 and 2 have been previously worked and restored and the current phase 3 has been fully worked for clay.

2.5 Topsoil, subsoil and overburden extracted from initial extraction works (cuts 1 to 3) at the site have been stockpiled and placed in storage areas to be used to restore the site at the end of mineral extraction works. Plan 12024/501 shows the storage areas for soils and overburden.

2.6 The main areas of the site which are already established are:

- Excavation area. Mineral extraction which has taken place in cut 3 of the approved 12 cuts.
- Overburden storage area
- Soil storage area
- Access road.
- Surface water drainage Lagoons.

2.7 A lower level scheme has been proposed but currently not agreed with the Planning Authority, therefore the existing approved scheme still stands for this application.

2.8 Prior to mineral extraction both subsoil and topsoil were stripped from Cuts 1 to 3 to their available depths and stored in mounds. Overburden is stored in a separate mound.

2.9 The volume of materials identified stored on site from the mineral extraction works undertaken on site are as follows:

Topsoil:	12,284 m³ (cubic metres)
Subsoil:	18,032 m³
Overburden	87,114 m³

2.10 Perimeter woodland planting to the west and north was undertaken by the operators when quarrying commenced in the 1980's and is now very well established.

2.11 Previous cuts 1 and 2 were restored to grassland and Cut 3 is an unrestored open quarry void.

2.12 The soil and overburden mounds have been in their current location and have remained undisturbed for many years and have been left to naturally vegetate and are also well established.

3.0 Site Location and Description

3.1 Ox Lee Quarry is located approximately 1 mile to the west north-west of Crow Edge between the A616 and B6106, in the Barnsley Metropolitan District of South Yorkshire, National Grid Reference (NGR), 416500 E 405200 N.

3.2 The whole site, including the soils and overburden storage areas is approximately 23 Hectares (ha) in size, of which approximately 4.6 ha is underlain by the remaining clay reserves.

3.3 The area immediately surrounding the site is allocated as Green Belt in the UDP. The quarry is surrounded by land that is predominately rural in nature, with the majority of the adjacent land being in agricultural use with scattered woodland blocks.

3.4 The site is accessed off Bedding Edge Road, and is adjacent to the B6106 Penistone Road. The access road runs for 750 metres towards the current void.

3.5 No public rights of way cross the site. Two public footpaths run to the east and west of the application site and a bridleway runs along the southern site boundary.

4.0 RESTORATION

4.1 Introduction

4.1.1 As it currently stands, the approved restoration scheme is still valid but the operators will be seeking a variation to this in due course. Overburden from the first cut has been stored on site as shown on the quarry phasing plans and will be used to restore the final cut. No further overburden will be required to be stored above pre-excavation ground levels for the duration of the works.

4.1.2 Overburden from each of the remaining cuts will be transferred from each progressive phase of excavation to backfill the previously worked out phase, thus minimizing the extent of the workings at any one time.

4.1.3 The backfilling of the final void would be carried out using the overburden stored as part of the existing site. Following the backfilling of the final void, the area would be reinstated with subsoil and topsoil.

Soils

4.1.4 Existing soils have been placed in storage since quarrying operations commenced and they will remain in storage until required to restore the final cut. These have been placed to provide visual and acoustic screening of the quarrying operations.

4.1.5 Overburden from the development of progressive cuts will be used to backfill the quarry void exhausted of clay reserves. No overburden will be stored above pre excavation ground levels.

4.1.6 All existing stockpiles, topsoil, and subsoil shall be maintained free of noxious weeds and protected from contamination.

4.1.7 All topsoil's and subsoil's shall only be stripped spread or moved in dry and suitable conditions so as to minimise any adverse impacts.

4.2 Restoration Proposals

4.2.1 When restoration at Ox Lee has been completed, the quarried areas will be restored to permanent pasture which will be intensively grazed. The fields around the edge of the quarried area will also be managed as permanent pasture but grazed less intensively. These fields will incorporate:

- The existing wetland area retained
- New areas of wetland created
- Existing unimproved grassland
- Newly established unimproved grassland sown with an appropriate grass and wildflower mix

4.2.3 The new area of wetland will be sustained by groundwater drainage from fields to the south. A variety of woodland types which are described below and scrub will also be established. Combined, these areas of wetland, woodland, scrub and grassland will greatly enhance the habitat value of the site.

4.2.4 The currently approved woodland types are:

- High Canopy Woodland - Climax tree and shrub species are included at the time of planting amongst nurse trees. Nurse trees are removed after 10 years or so to allow long term dominants to flourish.
- Pioneer Woodland with Dense Scrub – Climax tree species are excluded from the initial planting. Pioneer species (e.g. Rowan, Alder, Birch) will be established amongst a high proportion of scrub to form a sheltered woodland environment at ground level which will acquire climax species naturally.
- Wood Pasture – Wood pasture is woodland which, once the trees have established, is permanently available as pasture. The woodland is intended to form an extension of the existing maturing valley side oak plantation.

4.2.5 Since the original restoration proposals were drawn up, large areas of woodland and agricultural pasture land have been planted and established in the previously worked cuts 1 and 2.

4.3 Restoration Strategy

4.3.1 The proposals reflect the capabilities of the soils and other available materials within the site, and the current requirements of landowners. The restoration plan is provisional and may be subject to change following further consultation with statutory consultees.

4.3.2 The restoration proposals have been designed to fit with the local landscape and vegetation types. It is considered that, in the longer term there would be an overall improvement to the landscape and ecology of the area.

4.3.3 All available subsoil shall be spread evenly over the areas to be restored.

4.4 Timing of Restoration

4.4.1 Grass, shrubs and tree planting would follow in the first planting season after physical restoration has been completed.

4.5 Aftercare

4.5.1 In order to fulfill the restoration objectives it is important that the newly created habitats are fully managed in the appropriate manner to a predetermined standard.

4.5.2 The restored areas will continue to be subject to the implementation of a five-year restoration and agricultural Aftercare scheme.

5.0 ENVIRONMENTAL CONSIDERATIONS

5.1 Landscape and Visual Impact

5.1.1 Ox Lee Quarry lies within Landscape Character Area 38, the Nottinghamshire, Derbyshire and Yorkshire Coalfield. The landscape surrounding Ox Lee Quarry is representative of one of the 'rural pockets' of the LCA, being of a generally harmonious, rural character, of pastoral and arable fields with woodland.

5.1.2 The application site is situated within broadly undulating topography and surrounded by agricultural land bounded by dry stone walls with some scattered woodland blocks. The site itself is open rough grass agricultural land used for grazing separated by post and wire fencing and by drystone walls, some of which are dilapidated in places.

5.1.3 Mineral extraction operations have taken place within the landscape of this region for many decades, so in that respect the existing quarry contributes in part to the overall character of the area.

5.1.4 Although the site is on high ground, it is not prominent within the local landscape and it is not easily overlooked from the surrounding countryside. There are no views into the site from Penistone Road looking south and only the existing soil and overburden mounds are visible but these are long established and covered with vegetation and now blend into the natural surroundings. The site contains no features of nature conservation or landscape interest that will be lost as part of the proposals.

5.1.5 Mitigation measures to minimise the visual and landscape impacts of the development are mostly already in place and well established, with woodland planting and the soil and overburden storage mounds.

5.1.6 The large woodland block along the B6106 and the woodland strip along the western and southern boundaries provide effective visual screening of the workings and the future working of the remaining mineral reserves.

5.1.7 The current planning permission requires the progressive restoration of the site which results in a relatively small proportion of the site being disturbed at any one time, which will minimize the landscape and visual impact of the workings. Much of the western area of the site has already been worked and restored to amenity woodland/pasture to a high standard.

5.1.8 The character of the site as an operational clay quarry will essentially remain unchanged over the remaining lifetime of the site but there should be an increase in the nature conservation value of the site due to the progressive restoration of the site with areas of woodland planting and wetland habitat areas.

5.1.9 The effect on landscape and visual amenity would therefore be assessed as negligible as it would be for a temporary period only and the final restoration scheme provides the opportunity to increase potential for habitat creation and provide an enhanced area of biodiversity. It is considered that the mitigation measures proposed will ensure that the development can take place without permanent detriment to the visual appearance and quality of the surrounding landscape and should positively enhance the habitat value of the site.

5.1.10 The magnitude of the impact on the landscape character is low, the landscape character will only be slightly affected and the operations will only be perceptible when close to the site boundary.

5.1.11 The restoration proposals will bring long term positive benefits to the area as a whole, providing an area of increased opportunity for biodiversity.

5.1.12 It is therefore anticipated that the development proposals, being of temporary duration will have a minimal impact upon the existing landscape.

5.1.13 The restoration proposals will bring long term positive benefits to the area as a whole, providing an area of increased opportunity for biodiversity.

5.1.14 Therefore, on completion of the restoration we consider the impact on the landscape character and visual amenity as ***minor beneficial.***

5.2 Noise Management and Control

Introduction

5.2.1 The operations associated with quarrying and restoration of Ox Lee Quarry has the potential to generate noise which could cause nuisance.

5.2.2 Extractive operations have historically involved the use of heavy machinery, such as a 360º hydraulic excavator and 20 tonne dump trucks which will generate noise. However, the site is remote and such operations will primarily take place below ground level.

5.2.3 There are few residential properties close to the site, the nearest being Law Farm which is 250 metres to the west of the current operational area.

5.2.4 It is therefore considered that a combination of the mitigating effects of the quarry void, the existing screening measures that are in place, the infrequency of the extractive operations and the distances to the nearest noise sensitive properties that the potential for noise nuisance to occur as a continuation of the operations at Ox Lee Quarry is very low. The site has operated for many years without complaint.

5.2.5 Not withstanding the above, the owner will continue to operate the site as detailed below in the noise management plan which will aim to minimise the risk of noise nuisance occurrence at the site throughout its operational life.

Noise Management Plan

5.2.6 The aims of the noise management plan are:-

a) To minimise noise disturbance and annoyance.
b) To ensure compliance with environmental noise legislation.
c) To develop a noise control strategy that can be implemented during operations.
d) To ensure site operations do not cause disturbance from noise nuisance.

5.2.7 The noise management plan will be reviewed on an annual basis. Changes may be made to the plan to ensure noise is minimised at all times.

Noise Control Measures

5.2.8 The following control measures will be implemented at the site to minimise noise nuisance:-

a) The operator shall ensure that plant and equipment procurement policy considers the lowest possible sound power levels where possible.

b) Operations will be co-ordinated to minimise noise levels at the site at all times.

c) Noise will be directed away from potential noise sensitive receptors wherever possible, particularly when noise from the plant/equipment is highly directional.

d) All plant shall be properly maintained to ensure the integrity of silencers, lubrication of bearings etc. so as to avoid unnecessary noise emissions.

e) Haul road surfaces will be graded to ensure that they are kept smooth to minimise clattering etc. Pot holes shall be regularly repaired, and the surface shall be regularly inspected to ensure it is kept in a satisfactory condition.

f) Haul roads and areas within the quarry which are being worked shall be appropriately screened where possible i.e. by temporary bunding or mounds of material which are situated at or below planning permitted restoration levels to provide effective screening.

g) Drop heights will be kept to a minimum when material is being handled at the site.

h) Plant and equipment operatives shall take care to avoid unnecessary clanging of excavator buckets etc.

i) All plant and equipment will be switched off when not in use and revving of engines shall be avoided at all times.

j) All plant will be serviced according to its schedule and maintained in good working order at all times.

k) All plant engine covers will be kept in place at all times.

l) Noise mitigation will be considered in procurement or replacement of plant and equipment.

m) The use of reversing alarms is required for health and safety reasons, however care should still be taken to minimise noise disturbance at nearby noise sensitive properties. High pitch reversing beepers shall be used on plant at the site.

n) Reversing of vehicles will be avoided as much as is practical, and routeing of vehicles should be made with this in mind.

o) All relevant site employees will receive appropriate training in order to ensure familiarity with noise control measures at the site.

p) Best practice techniques shall be employed by the site manager at the site at all times to reduce noise sources to a minimum.

Management and Review Procedure

5.2.10 The site manager will be responsible for the management of noise. The manager will ensure that staff are trained appropriately. Mitigation and operational controls will ensure the effective management of noise at the site.

5.2.11 It is considered that the noise controls stated above shall be effective in minimising noise at the site.

Noise Action Plan

5.2.12 In the event that noise generated from the site is likely to cause nuisance to nearby properties, or complaints regarding noise are likely, then the following noise action plan will be implemented at the site;

a) If operations at the site create an unacceptable level of noise, the relevant activity will be reviewed by the site manager, and improvements shall be made to significantly reduce noise emissions. If necessary the site manager may consider temporary suspension of significant noise related activity until the operational review is complete, and a noise minimisation strategy is implemented.

b) In the event of a complaint associated with noise created at the site, an investigation will be undertaken immediately to determine the source. Appropriate action will be taken which will include the cessation of the activity if necessary. Any action taken will be communicated to the complainant. The nature of the complaint, the findings of the investigation, and the action taken will be recorded in writing in a Noise Complaint Form

c) On receipt of a noise complaint, consideration will be given to wind speed and direction, and the nature of the operations taking place at the time. As necessary, the relevant operational procedures will be reviewed and improvements implemented to significantly reduce noise related activity.

d) The noise management plan will be reviewed by the site manager on an annual basis. The noise management plan will be continually developed and updated to ensure minimum noise is caused at the site throughout its operational life.

Noise Complaints Procedure

5.2.13 In the event that a complaint is received by the site operator regarding noise emissions from the site, the following procedures will be implemented by the site manager/supervisor;

a) A noise complaint will be immediately investigated, and where necessary, measures will be implemented to reduce noise levels associated with quarrying and site restoration activity.

b) Within 72 hours of receipt of complaint the complainant will be informed of the findings of the investigation and what actions are to be taken.

c) Details of all noise complaints, and any actions undertaken as a result of investigations, will be recorded on a Noise Complaint Form and a record will be held at the site manager's office. A record of noise complaints will made available upon reasonable request by the mineral planning authority.

d) If noise complaints persist, then noise monitoring will be carried out at the location of the complainant to determine the source, scale and nature of noise which is causing disturbance. The results of the noise monitoring will be evaluated independently and an appropriate course of action shall be taken by the quarry manager to reduce noise emissions.

5.3 Dust & Air Quality

Introduction

5.3.1 With regards to the potential for dust nuisance occurrence, the predicted impacts on the communities near to Ox Lee Quarry are considered to be very low due to the wet nature of clay extraction, the remoteness of the site and the proximity to residential properties with the nearest being over 200m away.

5.3.2 The greatest potential for dust nuisance would be from the soil and overburden removal in dry and/or windy conditions. The dust control measures proposed and detailed below at the site would mitigate these effects to satisfactory levels.

5.3.3 Notwithstanding the above, the following measures detailed below in a Dust Management Plan (DMP) will be implemented on site to minimise the potential for dust nuisance occurrence for the remaining lifetime of the site.

Dust Management Plan

5.3.4 The potential emissions to the atmosphere from the continuation of mineral extraction operations such as those proposed at the application site are associated with possible dust arisings from three main sources:-

(i) Vehicle movements to and from the site.
(ii) Operational processes including the excavation of soil and overburden
(iii) Mineral Extraction

5.3.5 The degree to which significant dust emissions that are capable of causing nuisance can arise from a particular site depends upon various factors, including:

(a) Time of year and climatic conditions, with dry conditions and high wind speeds being conducive to dust generation.
(b) Surface characteristics, with vegetational cover making material in bunds less susceptible to dispersion
(c) Working methods, particularly vehicle movements, are capable of causing dust if not controlled.
(d) The proximity of environmentally sensitive receptors.
(e) The provision of control measures, aimed at alleviating the impact.

Mitigation Measures – Dust Control

5.3.6 A number of possible sources of dust have been identified which, in the absence of any remedial measures, have potential to give rise to dust nuisance. The following remedial measures are dust control procedures that will be operated at the site.

5.3.7 The focus of the dust management strategy is to control dust generation and movement at source. The main sources of dust at the site are likely to be from the internal haul roads and from soil stripping, overburden removal and backfilling in the previous void and from mineral extraction itself.

5.3.8 The following dust control measures will be implemented and maintained throughout the operational life of the application site, with the objective of preventing or minimising the release of airborne dusts and particulates arising from the backfilling operations in such quantities or concentrations that are likely to cause pollution of the environment or harm to human health.

Dust Control Measures

i) Transportation of Clay

5.3.9 Internal haul roads will be maintained in good condition and kept free from mud by regular grading, good drainage and use of hardcore as necessary. In dry weather, when necessary, a water bowser will be used to dampen the surface of haul roads and suppress dust where necessary on haul roads.

5.3.10 All site vehicles will be maintained in accordance with the manufacturer's specification and will be fitted with upswept exhausts. Site haulage speeds will be controlled in order to minimise possible dust dispersion and appropriate instructions will be issued to all drivers.

5.3.11 The site entrance and access road will be inspected regularly to check whether they are clean and tidy and a road sweeping vehicle will be utilised if an inspection indicates mud levels are unacceptable. Movement of vehicles on or off site may be restricted as necessary and additional inspections will be carried out in response to complaints or following particularly heavy rainfall.

ii) Management Procedures

5.3.12 The site manager will exercise day to day control over the site at all times and will have particular responsibility for securing full compliance with the conditions attached to the planning permission. Specifically he will assume control, either personally or by delegation to responsible staff, of -

(a) vehicle movements,
(b) all loading and materials handling operations,
(c) the operation of dust suppression measures and
(d) inspection, cleaning and maintenance of all plant and equipment.

5.3.13 All staff will receive the necessary training relating to control of operations and potential sources of dust emission, including in particular, plant malfunctions and abnormal conditions. Staff will report any visible dust emissions to the site manager. The continuing effectiveness of the dust management scheme will be regularly reviewed.

5.3.14 Monitoring of dust will involve visual inspections of the mineral extraction area, access roads and haul roads by the site manager during each working day, with the details, results and weather conditions being recorded in a site log book.

5.3.15 The focus of the dust control measures will be to control dust generation and movement at source and therefore no receptor-specific dust monitoring is proposed.

Dust Monitoring Plan

5.3.16 In the event that the source of dust that led to a complaint cannot be established, a dust monitoring gauge will be installed by the site operator between the site and complainant.

5.3.17 Dust monitoring shall be carried out by an independent technician.

5.3.18 A dust monitoring location will be set up for an initial one month duration and will comprise a Frisbee type dust monitoring gauge and sticky pad adapter. The sticky pad shall be replaced after each 7 day interval and each sticky pad shall be analysed independently to determine the rate and direction of dust deposition.

5.3.19 A one month monitoring duration should result in 4 sets of sticky pad analysis results being determined.

5.3.20 After the one month duration the contents of the dust gauge will be collected and sent for independent analysis to determine the rate of dust deposition. If necessary the dust collected in the dust gauge may be analysed to determine its nature and origin.

5.3.21 The sticky pad samples and dust gauge sample recovered from the dust monitoring location will be independently analysed and the results submitted to the site operator.

5.3.22 Should dust monitoring results identify the site as being the source of the dust migration that led to the original complaint, then the site management will undertake a full review of all site operations to establish the source of the dust generation. The operational review shall result in improvements being adopted at the site that mitigate any further dust nuisance.

5.4 Surface Water Management

5.4.1 Currently, groundwater issues and surface water run-off is channelled by a number of drainage ditches to a series of water treatment lagoons, three of which are located adjacent to the access road into the main quarry excavation area and a further two in the north-eastern corner of the quarry.

5.4.2 Groundwater flow is towards the north and falls to a level of 320 metres above ordnance datum, where it is intercepted by cut off ditches which channel the water to the quarries lagoon system.

5.4.3 Further groundwater springs are noted at estimated levels ranging from 305 metres down to 296 metres A.O.D. from below the northern most lagoons and along the northern boundary of the quarry. This water discharge is noted along most of Ox Lee Lane, which is located for a good part of its length in a cutting adjacent to the quarries northern boundary.

5.4.4 Although Condition 4 states the removal of the settlement lagoons, these are now well established features of the site and assist with the surface water management currently and would be equally effective once the site is restored so the proposed scheme submitted has retained these lagoons as ponds for this reason.

6.0 PLANNING POLICY

6.1 National Policy

The National Planning Policy Framework (NPPF)

6.1.1 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are to be applied, including the consideration and protection of environmental and amenity assets where necessary.

6.1.2 Paragraph 146 confirms that some types of development including mineral extraction are "not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it".

6.1.3 Paragraph 170 in Section 15 Conserving and Enhancing the Natural Environment confirms that planning decisions should enhance the natural and local environment by:

"recognising the intrinsic character and natural beauty of the countryside, and the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland";
"minimising impacts on and providing net gains for biodiversity"; and by
"remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".

6.1.4 Section 17 of the NPPF deals with the sustainable use of minerals including in paragraph 205 the need to "ensure that there are no unacceptable adverse impacts on the natural and historic environment … and take into account the cumulative effect of multiple impacts from individual sites and / or from a number of sites in a locality", and "provide for restoration and aftercare at the earliest opportunity, to be carried to high environmental standards".

6.1.5 National Planning Practice Guidance (NPPG) provides guidance on the application of the NPPF and NPPG for the Natural Environment (MHCLG, 2016) promotes landscape character assessment as "a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place".

6.2 Mineral Working in the Green Belt

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- "recognising the intrinsic character and natural beauty of the countryside, and the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland";
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6.2.6 On July 22nd 2019, the Ministry of Housing, Communities & Local Government, published updated Online Guidance 'Advice on the role of the Green Belt in the planning system'. This included the following guidance (Paragraph: 001 Reference ID: 64-001-20190722, Revision date: 22 07 2019):

6.2.7 Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to: openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent

(or improved) state of openness; and the degree of activity likely to be generated, such as traffic generation'.

6.2.8 The issue of effects on openness is a matter of judgement, in the context of the site and the proposal and in the knowledge of the typical effects of mineral extraction, such judgement to be assisted and informed by the approach in other decisions and appeals.

6.2.9 The benefits of the proposal are great in terms of the need for the mineral, continuation of supply for a major employer in the local area, limitations on suitable local alternatives, the acknowledged policy safeguarding of the site because of the importance of the mineral and the economic benefits associated with it. These amount to very special circumstances that clearly outweigh any inappropriateness and any other harms, even if the scheme was judged not to meet the terms of Green Belt policy which is not accepted.

Clay and Shale

6.2.10 Extensive economically important reserves of clay and shale are located in the Coal Measures strata on the eastern side of the district, and they provide raw material for two of the Country's leading manufacturers of clay pipes which are located in the adjacent Barnsley local authority area.

6.2.11 Several clay and shale quarries are located in the south east of the district. A feature of clay pipe production is that the different types of clay are blended together and therefore it is necessary for a single operator to have several sources of the raw material at any one time. Satisfactory restoration of clay and shale workings is often proving to be possible without the need for backfill with waste material although these sites would provide suitable void space for landfill if required.

6.3 Local Policy

6.3.1 The Council's Local Plan was adopted on the 27th February 2019 and is now the statutory development plan for Kirklees.

6.3.2 We consider the relevant policies to this application are as follows:

Local Plan Policy PLP1 – Presumption in favour of sustainable development
Local Plan Policy PLP 30 – Biodiversity and geodiversity
Local Plan Policy 28 - Drainage
Local Plan Policy 32 - Landscape
Local Plan Policy PLP 37 – Site restoration and aftercare
Local Plan Policy PLP52 – Protection and improvement of environmental quality

Local Plan Policy	Relevant Policy Text	Proposal accords with MLP Policy
PLP1 **Presumption in favour of sustainable development**	When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether: a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or b. specific policies in that Framework indicate that development should be restricted.	✓
Policy LP28 **Drainage**	The presumption is that Sustainable Drainage Systems (SuDS) will be used to assist in achieving the following on each site: a. for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded; b. for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections will be subject to at least greenfield restrictions; c. No negative impact on local water quality and improvements in water quality where practicable; d. Consider whether proposed open spaces and green infrastructure within sites can contribute to the sustainable drainage of the site. Local conditions	✓

	including the existence of critical drainage areas may require a lower run-off rate to be agreed to reflect volume control, local surface water risks, water course capacity and flood risk further downstream. There will be a general presumption against pumping surface water. It must also be demonstrated that the surface water management solution is designed to meet requirements over the lifetime of the development including evidence that management and maintenance arrangements have been secured to cover that period. This includes ensuring proposals to store water meet national standards and latest best practice. Flow paths accommodating water from outside the site or due to an exceedance event should be designed to avoid buildings and curtilages. Development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.	
Policy LP30 **Biodiversity & Geodiversity**	The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network. South Pennine Moors Proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive. Statutory Designated Sites Statutory designated sites, including the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC) and Sites of Special Scientific Interest, are already highly protected through existing laws and legislation. In accordance with legislation, the Council will seek to ensure that harmful impacts to these areas as a result of development proposals are avoided. Development proposed within or outside a designated Site of Special Scientific Interest, likely to have an adverse effect on the site's special nature conservation features, will not normally be permitted. Exceptionally development will be allowed where the benefits of the development clearly outweigh the impacts on the site's special conservation features and measures are provided to mitigate harmful impacts. The Dark Peak Nature Improvement Area Proposals that contribute to the aims and objectives of the Dark Peak Nature Improvement Area will in principle be supported, subject to other policies in this plan. Development likely to have an adverse impact on the aims and objectives of the NIA will not be permitted. Local Designated Sites & Important	✓

	Local Ecological Features Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term. Habitats and Species of Principal Importance Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured. Biodiversity and Development Development proposals will be required to:- Kirklees Local Plan - Strategy and Policies 129 13 Natural environment i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement; ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist; iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term; iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.	
Policy LP32 **Landscape**	Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular: a. the need to protect the setting and special qualities of the Peak District National park, views in and out of the park and views from surrounding viewpoints; b. the setting of settlements and buildings within the landscape; c. the patterns of woodland, trees and field boundaries; d. the appearance of rivers, canals, reservoirs and other water features within the landscape.	✓

	Policy LP35 Historic environment	1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met: a. the nature of the heritage asset prevents all reasonable uses of the site; b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and d. the harm or loss is outweighed by the benefit of bringing the site back into use. 2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. 3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to: a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets; b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance; c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity; d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate	✓

	change mitigation measures with the harm caused to the heritage assets' significance; e. accommodate innovative design where this does not prejudice the significance of heritage assets; f. preserve the setting of Castle Hill	
Policy LP36 Proposals for mineral extraction	Proposals for mineral extraction will be considered having regard to: a. the impact on the environment including water resources and the best and the most versatile agricultural land; b. the impact on residential amenity, highway safety and local heritage assets; c. the impact on human health; d. any cumulative effects arising from multiple impacts from individual sites and/or a number of sites in a locality. Part 2 Proposals to explore for, or extract minerals, including from former waste deposits will be permitted provided that they will not: a. cause unacceptable detriment to the landscape including its character or local visual amenity during or subsequent to extraction; b. be materially detrimental to interests of nature conservation, cultural heritage, geological or archaeological importance; c. cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport; d. prejudice highway safety through the volume or nature of vehicle movements generated; e. result in pollution of water resources or soils or the interruption of land drainage; f. cause materially significant permanent change to local rights of way networks; or g. result in permanent loss of best and most versatile agricultural land. Proposals to extract minerals should be accompanied by sufficient information to demonstrate that such unacceptable impacts would not occur, or could be satisfactorily controlled, and to demonstrate the presence of and need for the mineral	✓
Policy LP37 Site restoration and aftercare	Part 1 - Mineral working will be permitted only where the council is satisfied that the site can be restored and managed to a high standard, the proposed restoration is sympathetic to the character and setting of the wider area and is capable of sustaining an appropriate after-use. Restoration proposals for mineral workings should be designed to: a. clearly indicate how the site will be restored and managed, before, during and after working; b. ensure that restoration is completed at the earliest opportunity including the use of progressive restoration techniques where appropriate; c. ensure that restoration and aftercare is appropriate with regard to the characteristics of the site's surroundings,	✓

	including landscape character; d. demonstrate that adequate financial provision has been made to fulfil the proposed restoration and aftercare requirements; and e. include, where appropriate, provision for the extended management of a site beyond any aftercare period required by planning condition. Part 2 - Mineral working will be permitted only where the proposed site restoration delivers benefits such as enhancement of biodiversity interests, improved public access and the provision of climate change mitigation. Restoration proposals should therefore include: a. measures to assist or achieve priority habitat or species targets and/or biodiversity Action Plan targets; b. where appropriate, measures to protect and/or improve geodiversity and provide educational opportunities to visit such sites; c. provision for increased flood storage capacity for sites which fall within high flood risk areas; d. where appropriate, opportunities to provide for local amenity uses, including appropriate sport and recreational uses; and e. measures to restore land back to agriculture for sites involving the best and most versatile agricultural land.	

Silkstone Environmental Ltd
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