

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2025/70/92867/E0
Site Address:	Sovereign Quarry, Carr Lane, Shepley, Huddersfield, HD8 8FW
Description:	Variation of conditions 2 (plans), 8 (car park works), 35 (HGV access) and 36 (site access gates) of previous permission 2018/91605 for variation of conditions 2 and 27 of previous permission 2012/90558 for variation of conditions 24 and 29 (D) of previous permission 2006/92787 for variation of condition 2 relating to IDO permission 426A in order to allow changes to the approved phasing scheme
Recommending Officer:	Farzana Tabasum

DECISION – S73 Variation of Conditions – 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: 26/03/2026

Application: 2025/92867

Site: Sovereign Quarry, Carr Lane, Shepley, Huddersfield, HD8 8BP

Proposal: Variation of conditions 2, 8, 35 and 36 attached to planning permission 2018/70/91605/E0, to amend the approved Phase 1 restoration scheme

Site Description:

The application site comprises Sovereign Quarry, located off Carr Lane at Lane Head, approximately 570 metres south of Shepley village within the administrative area of Kirklees Council. The quarry occupies an area of approximately 9 hectares, of which around 2 hectares comprise the active and restored mineral working area, with the remainder comprising agricultural land and unmanaged areas associated with quarry operations.

The site is bounded by Carr Lane to the north, Lane Head Road to the west and Barnsley Road (A635) to the south. The landform slopes generally from south to north, with levels falling from approximately 275 metres Above Ordnance Datum (AOD) adjacent to Barnsley Road to approximately 260 metres AOD along Carr Lane.

The surrounding area contains a number of operational and restored quarry sites, including Appleton Quarry to the southwest and Carr Hill Quarry to the south, reflecting the established mineral extraction character of the wider area. The nearest residential properties are located to the north along Carr Lane and to the southwest along Lane Head Road.

The site lies within the designated Green Belt and is allocated within the Kirklees Local Plan as a Minerals Extraction Site.

Vehicular access to the quarry is obtained via the established access off Carr Lane, which has historically served quarry operations and restoration activity.

Description of Proposal:

The application is submitted under Section 73 of the Town and Country Planning Act 1990. The applicant wishes to vary conditions 2, 8, 35 and 36 attached to planning permission reference 2018/91605.

The proposed variation relates solely to the approved Phase 1 restoration scheme and seeks to substitute the previously-approved Phase 1 Restoration Detail drawing with an updated restoration plan.

The key changes to the approved Phase 1 restoration scheme comprise:

- The relocation of the approved pedestrian access track and footpath from the northern side of the football pitch to the southern side of the pitch area;
- The introduction of a temporary landscaped soil bund to the eastern edge of the car parking area beyond the boundary security fence, intended to provide additional visual screening between the restored recreational area and the operational quarry; and
- The substitution of the previously-approved block paved car parking surface with a crushed aggregate base.

No changes are proposed to the wider mineral extraction operations, approved working limits, operating hours, vehicle movement restrictions or the fundamental principles of the approved restoration strategy. The Phase 1 area will continue to be restored for recreational use incorporating a junior football pitch, associated access arrangements, landscaping and parking provision.

It is proposed to substitute the approved Phase 1 Restoration Detail drawing 60540878-SOV-007 with revised drawing reference 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail Plan

Relevant Planning History:

Quarrying operations at Sovereign Quarry date back to the early 20th Century, with the site benefiting from Interim Development Order (IDO) Permission 426A granted in 1947.

IDO 426A originally approved 03/07/1947. Revised Scheme of conditions approved 23/02/1996

Subsequent planning permissions and variations have established the current operational framework for the site, including:

98/93111 – Variation of conditions 2, 3, 18, 35 and 38 and removal of conditions 8 and 44 attached to Schedule of Conditions approved by Secretary of State for IDO minerals permission number 426A. Refused 01/11/2001)

2005/94268 – Formation of settling lagoon (approved 05/01/2006)

2006/92787 – Variation of condition relating to IDO permission 426A in order to allow changes to the approved phasing scheme (approved 25/05/2007)

2006/95022 – Erection of electricity sub-station (approved 24/01/2007)

2007/92953 – Formation of replacement vehicular access, installation of weighbridge, wheel wash and erection of site office (approved 25/09/2007)

2012/90558 – Variation of Condition 24 and 29 (D) of previous permission 2006/70/92787/EO for variation of condition 2 relating to IDO permission 426A in order to allow changes to the approved phasing scheme (approved 31/10/2012)

2018/91605 – Variation of the approved phasing scheme and restoration framework. (approved 29/10/2018). This permission remains the operative extant consent which approved revised restoration proposals including the Phase 1 restoration scheme which is now subject to this (2025/92867) Section 73 variation application.

History of Negotiations:

The applicant was advised to address highway officer concerns in relation to the setting back of a gate, further into the site. An amended plan was received on 09/12/2025. The plans and covering letter have also been revised to remove any reference the erection of a storage container. A revised covering letter was received 20/01/2026.

The submissions made during the life of the application did not necessitate re-consultation.

Consultation:

Site notice publicity expired – 13/11/2025

Press publicity expired – 21/11/2025

No representations received.

Consultation Responses:

K.C. Highways Development Management – Gate along Carr Lane needs to be setback as previously approved.

K.C. Ecology – No comments necessary.

Denby Dale Parish Council – “Refer to Officers”.

Planning Policy:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Kirklees Local Plan, adopted on 27/02/2019.

Kirklees Local Plan:

The application site is designated within the Kirklees Local Plan as a Minerals Extraction Site and lies within the Green Belt.

The following policies are considered relevant to the determination of this application:

- LP1 – Presumption in Favour of Sustainable Development
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP36 – Proposals for mineral extraction
- LP37 – Site Restoration and Aftercare
- LP47 – Healthy, Active and Safe Lifestyles
- LP52 – Protection and improvement of environmental quality
- LP69 – Minerals Extraction Sites

Other Relevant Local Guidance:

- Highway Design Guide SPD (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:

National planning policy is primarily set out within the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance. The NPPF is a material consideration in the determination of planning applications.

Relevant chapters include:

- Chapter 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of minerals

Climate Change:

Kirklees Council declared a Climate Emergency in January 2019 and subsequently adopted a target of achieving net zero carbon emissions by 2038, supported by a carbon budget established by the Tyndall Centre for Climate Change Research. The West Yorkshire Combined Authority has also committed to achieving net zero carbon emissions across the Leeds City Region by 2038.

Whilst the Kirklees Local Plan predates the declaration of the Climate Emergency, it contains a suite of policies intended to embed climate change mitigation and adaptation principles within development management decision-making. National planning policy similarly requires local planning authorities to support the transition to a low carbon future and to promote resilience to climate change impacts.

In assessing the current proposal, due regard has therefore been given to the extent to which the proposed Phase 1 restoration amendments maintain compliance with the approved restoration framework, avoid unnecessary land disturbance and continue to deliver long-term environmental and recreational benefits consistent with these objectives.

Assessment

The following matters are considered in the assessment below:

- Scope of this application
- Background and proposed scheme of works
- Principle of development (including impact on Green Belt)
- Landscape/Environmental and ecology issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters (conditions)

Scope of This Application:

This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks permission to develop the land without compliance with conditions previously attached to an extant planning permission. Where such an application is granted, the effect is the issue of a fresh planning permission subject to the varied conditions, while the remainder of the operative permission and its control framework continues to apply.

A key material consideration in Section 73 determinations is that the site benefits from a lawful extant permission which has established the operational and restoration framework and remains capable of implementation. The

assessment must therefore focus on the planning implications of the proposed condition variations, including whether the amended details would lead to materially different impacts when compared to the approved scheme.

It is a material consideration that the site benefits from an implemented extant permission and that the principle of mineral extraction and associated restoration has already been established.

Background and Proposed Scheme of Works:

Sovereign Quarry is an established mineral site with a long planning history, and the current operative permission (2018/91605) approved a phased scheme of working and restoration, including a Phase 1 restoration that would deliver open space for recreational use (including a junior football pitch) with associated access, landscaping and parking arrangements.

The current proposal does not seek to amend the wider mineral extraction framework, and the submission confirms there would be no change in respect of matters such as operational hours, mineral extraction limits, output, vehicle movement limits or the fundamental restoration principles and profiles.

Instead, the application seeks limited amendments to the detailed Phase 1 restoration layout by substituting the previously approved Phase 1 restoration detail drawing with an updated restoration plan. The submission identifies three specific changes:

- relocation of the approved pedestrian access track/footpath from north of the football pitch to south of the pitch;
- addition of a temporary landscaped soil bund to the east of the car parking area beyond the boundary security fence; and
- substitution of block paving in the car park with an aggregate (crushed gravel) surface.

The fundamental restoration landform, end-use objectives and landscape framework would remain unchanged.

Principle of Development (Including Impact on the Green Belt):

The application site lies within the designated Green Belt. National planning policy identifies that mineral extraction and engineering operations are not inappropriate forms of development within the Green Belt, provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt.

In this case, the site benefits from a lawful extant planning permission for mineral extraction and associated phased restoration. That permission has been implemented. The principle of mineral working and restoration at this

location has therefore already been firmly established and carries significant material weight in the assessment of the current Section 73 application.

The purpose of the current application is not to introduce new development or expand the approved operational footprint, but to vary specific restoration-related conditions to allow amendments to the detailed Phase 1 restoration layout. The correct planning test is therefore whether the proposed variations would result in materially greater harm to the Green Belt when compared to the previously approved restoration scheme.

The approved Phase 1 restoration scheme established the long-term restoration of this area for recreational use, incorporating a junior football pitch, landscaping and associated access and parking infrastructure. The proposed amendments would retain this approved after-use and landform strategy. The relocation of the pedestrian access route represents a minor internal layout adjustment within the approved restoration area and does not introduce additional built development or encroachment into undeveloped Green Belt land. The temporary landscaped soil bund is proposed as a short-term mitigation measure to provide additional visual screening between the restored recreational area and the operational quarry and would be removed upon cessation of quarry operations. The substitution of block paving with an aggregate surface within the car parking area would not increase hardstanding extent or built form and would result in a more permeable surface treatment.

The following takes account of each proposed Phase 1 variations against the approved Phase 1 restoration scheme, focusing on whether the change would result in materially different impacts, particularly in respect of Green Belt openness, landscape effects, user functionality, and deliverability of the approved restoration outcome.

Change 1: Relocation of the pedestrian access track/footpath

The pedestrian route would be moved from the northern side of the football pitch to the southern side.

- No increase in built form, no additional structures, and no extension beyond the Phase 1 restored area. The change would involve a re-routeing of a permissive / recreational access within an already-approved restoration envelope. It is therefore not considered to introduce additional harm to openness (spatially or visually).
- The relocation is a minor internal layout adjustment. The restoration landform and primary landscape framework remain unchanged. There is no evidence that the amended route would introduce more prominent engineered features than the approved scheme.
- The submission indicates the relocation would result in more area being available as playing surface and would be more practical given

the landform. This supports the effectiveness and usability of the restored recreational after-use, aligning with the original Phase 1 objectives.

- The change would improve practical routing relative to site levels / landform.

Change 2: Addition of a temporary landscaped soil bund east of the car parking area (beyond boundary security fence)

A temporary soil bund would be introduced to provide additional screening of the recreational field from the operational quarry. The submission confirms it would be removed upon cessation of operations.

- The bund would introduce a temporary engineered landform feature. It is a reversible landscape feature associated with operational mitigation and restoration management.
- The bund would provide additional visual mitigation between the restored recreational land (pitch) and operational quarry activity, and reduce operational prominence from sensitive viewpoints within Phase 1.
- The bund is specifically described as temporary and tied to the cessation of quarry operations, which is important in ensuring it does not become an unintended permanent alteration to the approved restoration profile.

Change 3: Substitute block paving for aggregate surface in the car park

The approved block paving for the car parking area would be replaced with a crushed aggregate surface.

- There would be no increase in the extent of the car park. The change relates to surface material only. An aggregate surface is considered generally less visually urbanising than block paving, and the proposed change would not extend beyond the approved parking area.
- Aggregate surfaces are typically more permeable and can reduce surface runoff relative to impermeable surfacing, subject to detailed construction specification.
- Aggregate surfacing is likely to appear less formal and more rural in character compared to block paving, which can be consistent with Green Belt landscape expectations.

The Phase 1 variations comprise minor layout and material changes to an already-approved restoration scheme. When assessed individually and cumulatively, the proposals:

- Would not extend the approved restoration footprint;
- Would not introduce additional permanent built form;

- Would not materially increase visual or spatial harm to openness when compared to the approved Phase 1 scheme; and
- Would maintain (and in some respects improve) the functionality and deliverability of the approved recreational after-use.

Accordingly, the proposed variations are considered acceptable in principle and, in Green Belt terms, would not result in materially greater harm than the approved restoration scheme. Furthermore, the proposals would continue to facilitate the progressive restoration of previously disturbed mineral land. The completion of restoration works is a key mechanism through which temporary Green Belt harm arising from quarrying activity is mitigated and ultimately reversed. The proposed amendments therefore support the delivery of the approved restoration strategy and would contribute positively to the long term openness and environmental quality of the site.

Having regard to the extant permission, the limited nature of the proposed amendments, and the absence of any materially greater harm when compared to the approved restoration scheme, it is concluded that the proposal would preserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The principle of development is therefore considered acceptable.

Landscape / Environmental Issues (Ecology):

Under the extant planning permission (2018/91605), the approved restoration strategy for Phase 1 established a long-term recreational after-use supported by landscaping and boundary planting intended to integrate the restored landform into the surrounding landscape and to deliver ecological enhancement following mineral working.

The wider site forms part of an established mineral landscape characterised by existing quarry operations, restored land, planting areas and associated mitigation features. The 2018 committee report / assessment recognised that restoration and landscape planting formed an integral component of mitigating the visual and environmental effects of mineral extraction and securing long-term environmental benefits once restoration is completed.

The approved restoration framework was designed to:

- Regrade disturbed land to appropriate profiles;
- Introduce planting and landscape features capable of delivering habitat enhancement; and
- Deliver a stable restored landform suitable for recreational and environmental after-use.

This approved restoration scheme represents the environmental baseline against which the current Section 73 variations must be assessed.

The current Section 73 application introduces limited amendments to the detailed Phase 1 restoration layout, comprising:

- Relocation of the pedestrian access track/footpath;
- Introduction of a temporary landscaped soil bund to the east of the car parking area; and
- Substitution of block paving with aggregate surfacing within the parking area.

The restoration landform, approved planting framework, restoration footprint and long-term recreational after-use would remain unchanged.

The proposed relocation of the pedestrian access route represents a minor internal adjustment within the approved restoration area and would not alter the overall restored landform, boundary treatments or primary landscape framework. It therefore would not introduce additional landscape harm when compared with the approved scheme.

The proposed temporary landscaped soil bund is intended to provide additional visual screening between the restored recreational area and the operational quarry. In landscape terms, this feature would function as mitigation rather than additional development. While the bund would introduce a temporary landform feature, it would not involve permanent built development and is proposed to be removed upon cessation of quarry operations.

When assessed against the approved restoration baseline, the bund would reduce the visual impact from the ongoing quarry activity on the restored Phase 1 area and improving the interface between restored and operational parts of the site. It therefore would not result in materially greater landscape harm.

The substitution of block paving with aggregate surfacing also has landscape implications. Aggregate surfacing typically presents a less visually formal and a more rural character compared to hard paving finishes, and can integrate more sympathetically with restored quarry landscapes. This change is therefore neutral or beneficial in visual terms.

With respect to ecological considerations and habitat function, the approved restoration scheme was intended to deliver longer-term ecological benefits through regrading, planting and landform stabilisation.

The current proposal does not remove or reduce approved planting areas, habitat features or restoration objectives.

The proposed relocation of the pedestrian route does not introduce additional land take beyond the approved restoration envelope. The temporary soil bund would be formed from on-site materials and would not permanently sterilise habitat areas. The proposed change to aggregate surfacing would not increase the footprint of hardstanding and would result in improved permeability compared to the approved block paving.

Taken cumulatively, the proposed variations would not undermine the ecological intent of the approved restoration scheme and would not prejudice the delivery of long-term habitat enhancement associated with Phase 1 restoration.

Having regard to the approved restoration baseline, the limited scope of the proposed Phase 1 amendments, and the continued delivery of the approved restoration objectives, it is concluded that the proposal would not give rise to unacceptable landscape or ecological impacts.

The proposed variations would preserve the integrity of the approved restoration strategy and would not result in materially greater environmental harm. The proposal is therefore considered acceptable in landscape and ecological terms.

Turning to Biodiversity Net Gain (BNG), the application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to an existing planning permission which was granted prior to the introduction of mandatory Biodiversity Net Gain (BNG) requirements.

The mandatory Biodiversity Net Gain requirements do not apply and are not relevant to this Section 73 variation application. The appropriate assessment approach is therefore to consider whether the proposed amendments would result in any materially different ecological impacts when compared to the previously-approved restoration scheme, rather than applying new biodiversity uplift requirements retrospectively.

Residential amenity:

Local Plan policy LP52 (Protection and Improvement of Environmental Quality) requires development to ensure that unacceptable levels of noise, dust, vibration and other forms of pollution are avoided and that the amenities of existing and future occupiers are safeguarded. Policy LP37 (Site Restoration and Aftercare) also requires mineral developments to be restored in a manner that minimises environmental harm during restoration activity and ensures that restoration operations are appropriately managed.

The National Planning Policy Framework (NPPF) requires planning decisions to ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health and quality of life (chapter 15),

and that significant adverse impacts on health and living conditions are avoided.

These policies form the framework against which the proposed Section 73 variations are assessed.

The extant planning permission (2018/91605) approved mineral extraction and phased restoration at Sovereign Quarry subject to a number of conditions, including restrictions on operating hours and governing noise and dust management.

The 2018 committee report / assessment concluded that, subject to these controls, quarry operations and restoration activity could take place without giving rise to unacceptable impacts on residential amenity. This established the amenity baseline against which the current Section 73 variation is assessed.

The nearest residential properties are located to the north along Carr Lane and to the southwest along Lane Head Road. These receptors formed part of the original amenity assessment and remain the principal sensitive receptors for the purposes of the current proposal.

The Section 73 application does not seek to amend:

- Approved operating hours;
- Vehicle movement limits;
- Mineral extraction limits;
- Processing activity; or
- The overall scale or intensity of quarry operations.

The proposal is limited to detailed layout amendments within the Phase 1 restoration area, namely:

- Relocation of the pedestrian access route;
- Introduction of a temporary landscaped soil bund; and
- Substitution of block paving with aggregate surfacing within the car parking area.

The assessment therefore focuses on whether these changes would result in materially different noise or dust impacts when compared to the approved restoration scheme.

The relocation of the pedestrian access route would not introduce new noise-generating activity and would not increase the intensity of site use beyond that already approved.

The formation of the temporary landscaped soil bund would involve short-term restoration works comparable in scale and nature to works already approved under the extant permission. These activities would fall within the operational scope previously assessed and are subject to the existing noise control framework.

The substitution of block paving with aggregate surfacing would not increase vehicle movements or change the approved parking capacity. While aggregate surfaces may generate marginally different surface noise characteristics, this would be associated with low-speed vehicle movements serving the approved recreational use and this is not considered significant when assessed in the context of the existing quarry environment and separation distances from nearby residential properties.

Importantly, the approved noise control conditions attached to the extant permission would continue to apply (it is recommended that they be re-imposed). This would ensure that restoration activity remains regulated in accordance with Local Plan policy LP52 and the NPPF objective of protecting residential amenity.

Dust generation associated with quarry restoration activity was previously assessed and mitigated through the approved operational controls secured under the extant permission.

The current proposal would not increase the scale of earthworks beyond those already approved as part of Phase 1 restoration. The relocation of the pedestrian route would involve minor surface works only. The formation of the temporary soil bund would utilise on-site materials and would not introduce importation of material or extended working areas.

The aggregate car park surface would not increase the extent of hardstanding and remains within the approved restoration footprint. Any potential for localised dust generation would be limited in scale and managed through the existing dust suppression measures secured under the extant permission.

In this context, the proposed variations remain compliant with the requirements of policy LP52 and the NPPF objective of preventing unacceptable pollution impacts.

The nearest residential properties remain those previously assessed under the 2018 permission. The Section 73 proposal would not bring new activity closer to residential boundaries, would not extend the operational footprint and would not intensify quarry or restoration operations.

The proposed amendments are internal to the approved restoration area and would either:

- have no direct amenity implications (pedestrian route relocation);
- provide mitigation (temporary bund); or
- involve minor surface treatment changes (aggregate surfacing).

It is also noted that:

- no increase in operational intensity is proposed;
- no additional extraction or processing activity would be introduced;
- restoration works would remain within the approved timescale;
- previously-imposed amenity protection conditions are again recommended; and
- the proposed amendments would not materially alter the scale or nature of noise- or dust-generating activities.

The proposed variations are unlikely to adversely affect the amenities of nearby residential properties and would not result in materially greater harm when compared to the approved restoration scheme. The proposal is therefore considered acceptable in local amenity terms.

Accordingly, the proposal would result in unacceptable impacts on the living conditions of nearby residents, and is consistent with Local Plan policy LP52 and NPPF amenity protection objectives.

Having regard to the previously approved phase 1 scheme, together with the limited scope of the proposed Phase 1 amendments, and the recommended re-imposition of conditions, it is concluded that the proposal accords with Local Plan policies LP37 and LP52, and the relevant provisions of the NPPF.

Highway issues:

Local Plan policy LP21 (Highways and Access) requires development to ensure that safe and suitable access arrangements are provided and that the operation of the highway network is not prejudiced. Development should be designed to ensure that all users can safely access and use the site.

Policy LP22 (Parking) requires appropriate parking provision and safe manoeuvring within sites, whilst national policy within the National Planning Policy Framework (NPPF) requires that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe.

These policies form the basis for assessing the proposed Section 73 variations in highway safety terms.

The extant planning permission established access arrangements to the quarry and the Phase 1 restoration area, including the position of the site

access gates set back from Carr Lane to allow safe entry and exit for vehicles (including larger vehicles associated with quarry operations).

The 2018 permission secured visibility and access arrangements to ensure that vehicles could enter and leave the site in a safe manner without prejudicing highway safety. This approved arrangement forms the baseline against which the current Section 73 proposal must be assessed.

K.C. Highways Development Management initially raised concerns that the revised Phase 1 drawing submitted with the application did not show the access gate set back from Carr Lane in accordance with the previously-approved plans. It was noted that positioning the gate closer to Carr Lane could result in difficulties for vehicles manoeuvring into and out of the site and would therefore not be supported unless the approved set-back arrangement was reinstated.

During the case officer site visit, it was also observed that the access gate on site was not positioned in accordance with the approved plans, giving rise to potential highway safety implications.

The applicant was advised of these concerns and invited to submit amended plans addressing the issue.

A revised Phase 1 restoration drawing has subsequently been submitted confirming that the site access gate will be positioned in accordance with the previously approved arrangement, set back from Carr Lane to allow safe entry and exit for vehicles.

The amended drawing addresses the concerns raised by K.C. Highways Development Management and ensures that appropriate manoeuvring space and visibility can be achieved at the site entrance. On this basis, the initial highway objection is considered to have been satisfactorily addressed.

The current Section 73 application does not seek to increase vehicle movements, alter the established access point onto Carr Lane, or intensify the operational use of the site beyond that already approved under the extant permission.

The primary highway issue related to ensuring that the physical arrangement of the access gates reflects the approved safe set-back position. The revised drawing now confirms this arrangement.

Notwithstanding this, it remains necessary to ensure that the access gate is physically repositioned on site to reflect the approved set-back shown on the revised drawing. Given that the current gate position does not fully accord with the approved arrangement, it is considered reasonable and necessary, in the interests of highway safety and in accordance with Local Plan policy LP21

and the NPPF, to secure the correct positioning of the gate by condition requiring its relocation within a specified period following the grant of this Section 73 permission, and its retention thereafter.

Subject to the access gate being repositioned on site in accordance with the revised plan and retained thereafter, the proposal would not result in unacceptable highway safety impacts and would not give rise to materially greater harm when compared to the approved restoration scheme. The proposal is therefore considered acceptable in highway terms and compliant with Local Plan policies LP21 and LP22 and the relevant provisions of the NPPF.

Drainage issues:

Local Plan policy LP27 (Flood Risk) seeks to ensure that development is located and designed so that it does not increase flood risk elsewhere and is appropriately managed having regard to drainage and surface water considerations.

Policy LP28 (Sustainable Drainage) requires development to incorporate sustainable drainage measures and ensure that surface water is managed in a sustainable manner, with discharge rates controlled to prevent increased flood risk and to protect water quality.

The NPPF, particularly Chapter 14, requires that development should not increase flood risk elsewhere and should incorporate sustainable drainage systems where appropriate.

The extant planning permission established the approved drainage and restoration framework for the site, including landform regrading and restoration works designed to ensure appropriate surface water management across the quarry and restored areas.

The 2018 permission secured a restoration scheme based on free-draining backfill, restoration contours and associated landform design intended to ensure that surface water is appropriately managed and does not give rise to increased runoff or flood risk. The approved drainage and restoration strategy therefore forms the baseline position against which the current Section 73 proposal must be assessed.

The Section 73 application does not seek to amend the approved restoration landform, finished ground levels or overall drainage strategy for the site.

The proposed changes relevant to surface water considerations are limited to:

- Relocation of the pedestrian access route within the restored area;
- Introduction of a temporary landscaped soil bund; and

- Substitution of block paving within the car parking area with an aggregate surface.

The assessment therefore focuses on whether these amendments would result in materially different surface water or drainage impacts when compared to the approved Phase 1 restoration scheme.

The relocation of the pedestrian route represents a minor internal layout change and would not materially alter ground levels, drainage patterns or runoff characteristics within the site. It would remain within the approved restoration area and would not introduce additional impermeable surfacing.

The proposed introduction of the temporary soil bund involves the placement and shaping of on-site materials within the restoration area. The bund would be limited in scale and temporary in nature and would not alter the wider approved drainage strategy for the site. It would be formed from site-won materials and would not introduce significant additional impermeable surfaces or increase runoff beyond that already assessed under the extant permission.

The substitution of block paving with an aggregate surface within the car parking area has potential drainage implications. However, aggregate surfacing is typically more permeable than block paving and can allow for greater infiltration of surface water. This change would not increase surface water runoff when compared with the approved paved finish.

Importantly, the overall restoration strategy, including the approved landform contours and drainage approach, would remain unchanged. The proposals would not extend the restoration footprint or introduce new development that would materially alter runoff characteristics.

The proposed amendments therefore would not give rise to materially different or increased surface water impacts when compared to the approved restoration scheme.

Having regard to the approved drainage, the previously approved restoration details, and the limited scope of the proposed Phase 1 amendments, it is concluded that the proposal would not result in increased flood risk or unacceptable surface water impacts.

The development would continue to operate within the approved drainage framework and accords with Local Plan policies LP27 and LP28 and the flood risk and drainage objectives of the NPPF. The proposal is therefore considered acceptable in surface water management terms.

Representations:

None received

Other matters (conditions):

Planning permission 2018/91605 established the current operational and restoration framework for the site and is subject to 50 conditions.

A review of the planning history confirms that none of the conditions attached to the 2018 permission have been formally discharged. Many of the conditions are compliance or ongoing operational conditions which remain active for the lifetime of the development and restoration programme and therefore continue to regulate operations at the site.

This application seeks to vary four specific conditions attached to the extant permission, namely:

- Condition 2 (Approved Plans)
- Condition 8 (Car park and visibility works)
- Condition 35 (HGV access restrictions)
- Condition 36 (Site access gates)

These conditions require variation to reflect the amended Phase 1 restoration layout and associated operational and access arrangements now proposed.

Following, a site visit it was evident that elements of the approved restoration layout have already been carried out on site, albeit with some minor deviations from the originally approved Phase 1 detail plan, as now proposed.

The purpose of this Section 73 application is therefore not only to vary the approved plans but also to regularise the works undertaken as shown on the revised scheme as now proposed.

The majority of the existing conditions attached to the 2018 permission relate to ongoing operational controls, restoration requirements and aftercare, and remain relevant and necessary. It is recommended that these be re-imposed. Where conditions contain references to superseded development plan policies, it is recommended that the reasons for those conditions be updated to reflect the current Kirklees Local Plan (2019) policy framework and relevant provisions of the National Planning Policy Framework.

Reworded conditions

Condition 21 needs to be reworded so as to be more prescriptive and informative in relation to the seeding specification and maintenance of the mounds/bunds, rather than require formal agreement from the Minerals Planning Authority.

Condition 29 needs to be reworded as the first part of this condition has been carried out (placement of overburden and restoration materials) within Phase 1. However, to ensure the soft landscaping within Phase 1 is carried out fully in accordance with the now proposed Phase 1 plan, it is recommended that this condition be reworded.

Condition 32 needs to be reworded to make it more precise, and condition 33 also needs to be reworded to include removal of all mounds/bunds.

Condition 47 needs to be reworded stating that the annual site meeting is to be arranged by the developer / site operator, and is to be held before 30th November, instead of 31st August. Also, a rewording is needed for the aftercare programme for the forthcoming year to be carried out within an agreed timescale.

Conditions to be varied (2, 8, 35 and 36)

Condition 2 – Approved Plans

Condition 2 requires updating to substitute the previously-approved Phase 1 restoration drawing with the revised drawing submitted under this application. All other approved drawings and documents relating to the wider extraction and restoration scheme will remain valid.

Condition 8 – Car Park and Visibility Works

Condition 8 relates to the formation and use of the car park and associated visibility improvements. As the detailed layout of the Phase 1 restoration area and car park surfacing is being amended under this application, this condition requires variation to ensure it references the revised approved drawing and continues to secure appropriate visibility and separation from the operational quarry.

Condition 35 – HGV Access Restrictions

Condition 35 controls HGV movements via the Phase 1 access while the car park is in use. This condition requires updating to ensure that it aligns with the revised Phase 1 layout and continues to safeguard highway safety and recreational use of the restored area.

Condition 36 – Site Access Gates

Condition 36 requires the site access gates to be secured when not in use. In light of the revised drawing and the need to ensure that the gates are positioned correctly to maintain highway safety, this condition will require variation to reflect the approved gate position and ongoing management requirements.

Additional Conditions

In addition to the varied conditions identified above, it is considered necessary to impose additional conditions to ensure that the development is implemented in accordance with the revised proposals and continues to operate safely and effectively.

Highway Safety – Access Gate Position

Given that the site access gate is not currently positioned in accordance with the approved plans, and in order to safeguard highway safety, it is necessary to impose a condition requiring the gate to be repositioned in accordance with the approved revised drawing within a specified period following the grant of this application and retained thereafter.

Retention of Recreational After-use (Football Pitch)

The approved restoration of Phase 1 includes provision of a football pitch and associated recreational use. In light of there being an identified local need for junior football pitch provision and the importance of securing long-term community benefit from the restoration scheme, it is considered reasonable and necessary to secure the retention of this facility for recreational use in perpetuity by condition.

Subject to the variation and re-imposition of appropriate planning conditions, together with additional conditions securing highway safety and long-term recreational after-use, the development would continue to be appropriately controlled and would accord with the policies of the Kirklees Local Plan and the National Planning Policy Framework.

Conclusion:

This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of conditions as indicated in the assessment above.

The NPPF 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 proposed amendments would result in a development that would constitute sustainable development. The proposed amendments are therefore recommended for approval.

Recommendation – Approve variations subject to conditions

Report Dated – 25/03/2026

Decision Authorisation – Delegated Powers

Conditions and Reasons

Time Limits

1. Extraction of minerals and the deposition on mineral waste within the site shall cease not later than 21/02/2042 and the site shall be restored to agriculture, woodland, amenity, recreation and/or a nature conservation use by 30/09/2042.

Reason: To ensure satisfactory completion of mineral extraction and restoration within an acceptable period and in accordance with Policies LP36, LP37 and LP32 of the Kirklees Local Plan and the National Planning Policy Framework.

Plans

2. Notwithstanding the plans submitted with this application, the development hereby approved 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.

- 60540878-SOV-002 Land Ownership Boundary
- 60540878-SOV-003 Phase 1 Restoration and Phase 2
- 60540878-SOV-004 Phase 3 Working
- 60540878-SOV-005 Phase 4 Working
- 60540878-SOV-006 Phase 5 Working
- 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail Plan
- 60540878-SOV-008 Restoration Detail Sections
- 60540878-SOV-009 Phase 1 Landscape Detail

Reason: In the interest of minimising impact on the amenities of the local area and ensure the satisfactory restoration and beneficial use of the site after development, in accordance with Kirklees Local Plan Policies LP21, LP24, LP32, LP36, LP37 and LP52 and guidance within the National Planning Policy Framework.

Access and Vehicular Movement

3. There shall be no more than 30 heavy goods vehicle movements (15 in and 15 out) at the site in any one day.

Reason: In the interests of highway safety and residential amenity in accordance with Kirklees Local Plan Policies LP21 and LP52.

4. Public footpath 155 which crosses the site shall not at any time prior to, during or after development be unofficially obstructed or closed without the prior written consent of the Minerals Planning Authority.

Reason: To safeguard public access and highway safety in accordance with Kirklees Local Plan Policy LP21.

5. No commercial vehicles shall enter the public highway from the application site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: To safeguard public access and highway safety in accordance with Kirklees Local Plan Policy LP21.

6. No mineral extraction shall be carried out within 15 metres of Lane Head Road and Barnsley Road and within 10 metres of Carr Lane within the boundary of the area coloured red on drawing MM/SOV/04-06/OWN and the operations within this area shall not remove or interfere with the support of the adjacent highway.

Reason: To safeguard public access and highway safety in accordance with Kirklees Local Plan Policy LP21.

7. No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm in width.

Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. The car park shall not be used by members of the public until:

- The works to improve highway visibility on Carr Lane and Lane Head Road shown on plan 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail Plan have been completed;
- Within the land edged blue on plan 60540878-SOV-002 (see explanatory note) all obstructions to visibility exceeding 1 metre in height have been cleared within sight lines of 2.4m x 215m from the site entrance; and
- The car park has been securely fenced off, from the operational quarry and thereafter maintained for as long as the car park remains in use.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Protection of Watercourses

9. Neither surface water runoff from the permitted site nor wastes arising from the operation of the permitted site nor groundwater shall be discharged into any surrounding watercourse or drainage system without first passing through the settlement lagoon indicated on drawing 60540878-SOV-002.

Reason: To protect surface and groundwater and ensure sustainable drainage in accordance with Policies LP27, LP28 and LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

10. There shall be no storage of chemicals, additives or solvents on site other than fuel oils or lubricants. Any waste materials such as oils, slurries,

chemicals etc. shall be collected in sealed containers and exported from the site.

Reason: To protect surface and groundwater and ensure sustainable drainage in accordance with Policies LP27, LP28 and LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

11. Any above ground oil or lubricant storage tanks shall be located at least 10 metres from any watercourse and within a bund having a capacity of not less than 110% of the largest tank. If tanks are connected by pipework to allow the equalisation of the level of the contents, then the bund capacity shall be 110% of the largest combined volume. The floor and walls of the bund shall be impervious to oil and water and resistant to any stored chemicals. Inlet/outlet vent pipes and gauges shall be located within the bunded area, and any tap or valve shall be so arranged as to discharge vertically downwards and shall be kept locked shut when not in use. There shall be no uncontrolled discharge from the bunded area.

Reason: To protect surface and groundwater and ensure sustainable drainage in accordance with Policies LP27, LP28 and LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

12. All oil and lubricant drums (storage containers) shall be stored in a compound with an impervious base and the floor graded in such a manner that the contents of the largest drum (container) are retained in the event of a spillage.

Reason: To protect surface and groundwater and ensure sustainable drainage in accordance with Policies LP27, LP28 and LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Preparatory Works

13. Prior to the stripping of soil from any part of the site, all dry stone walls thereon shall be dismantled and stored in locations on the site having the prior written approval of the Mineral Planning Authority and retained for subsequent use in the restoration of the site.

Reason: For use in the restoration of the site in accordance with Policies LP32 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

14. All screening bunds shall be constructed using soils and overburden materials extracted from the permitted quarry and there shall be no import of waste materials onto the site from any other area to construct these bunds.

Reason: in the interests of highway safety and to ensure, in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Soil Stripping

15. Prior to the removal of overburden and minerals from the successive operational phases shown on the approved plans, all available topsoil and subsoil shall be stripped separately from each phase. Topsoil and subsoil

stripped from the site shall be stored in separate mounds which do not overlap and in accordance with approved plans.

Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and guidance within the National Planning Policy Framework.

16. Topsoil shall be stripped from any areas to be extracted, or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads and other areas to be traversed by heavy machinery and stored until required for restoration purposes unless otherwise required for progressive restoration. The Mineral Planning Authority shall be given the opportunity (with at least 24 hour notice, excluding Sundays and Bank Holidays) to verify that all available topsoil has been satisfactorily stripped, prior to the commencement of subsoil stripping.

Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP32, LP36 and LP37 and guidance within the National Planning Policy Framework.

17. An equivalent depth of subsoil to that which currently exists on the site, to a maximum depth of 550 millimetres, shall be stripped from any areas to be extracted or to be used for the stationing of plant, buildings, settlement lagoons, the storage of overburden, and other areas to be traversed by heavy plant in advance of extraction operations, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and guidance within the National Planning Policy Framework.

18. No plant or vehicles shall cross any areas of unstripped soil except for the purpose of stripping operations authorised by condition 14 above. The soils shall not be stripped or moved except when the material to be moved is dry and it would not be damaged by heavy vehicles and machinery passing over it. They shall be stored in the areas identified on the approved plans, kept free from contamination and retained for use in the restoration of the site.

Reason: So as not to damage the soil quality within the site and soil to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and guidance in the National Planning Policy Framework.

19. Within three months of the formation of soil heaps/bunds in accordance with condition 14 above the Mineral Planning Authority shall be advised in writing of the dimensions of the soil storage mounds and the quantities of the soil in each. Any soil subsequently lost shall be made good from an external source.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring and to accord with Policy LP36 of the Kirklees Local Plan

20. At least seven days notice, but not more than 21 days, shall be given in writing to the Mineral Planning Authority before any soil stripping operations commence. No overburden or mineral extraction shall take place on these stripped areas until they have been inspected by the Mineral Planning Authority and agreement has been reached between the applicant and the Mineral Planning Authority that all soil has been removed from the areas concerned.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring and to accord with Policy LP36 of the Kirklees Local Plan

21. Once formed the surface of all mounds in which soils are to be stored for more than 6 months or over the winter period shall be evenly graded seeded, and, within three months of being formed, a grass sward established. Thereafter the grass sward shall be regularly managed and maintained to control the growth of weeds and rank vegetation.

Reason: In the interest of visual amenity, to prevent the proliferation and spread of weeds into neighbouring land and the retention of existing soils on site for use in the restoration of the site for a beneficial after use and to accord with Policies LP36 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Working programme, phasing and direction of working

22. Working within the quarry shall be carried out in 5 phases in accordance with the Drawings referred to in Condition 2 above and unless otherwise agreed in writing with the Mineral Planning Authority, there shall be no further mineral extraction or mineral processing within Phase 1 from the date of this permission.

Reason: To protect the amenities of local residents and the environment and to accord with Kirklees Local Plan Policy LP36 and guidance within the National Planning Policy Framework.

23. The land within the site affected by soil stripping, extraction, backfilling and regrading operations shall at no time exceed the extent of 3 adjacent phases.

Reason: To protect the amenities of local residents and the environment and to accord with Kirklees Local Plan Policy LP36 and guidance within the National Planning Policy Framework.

24. The developer shall notify the Mineral Planning Authority in writing within 14 days of the date of commencement/completion of the following:

- commencement of site preparation works;
- entering a new phase of mineral extraction as identified on the approved drawings;
- completion of backfill of each phase;
- completion of restoration of each phase; and
- (vii) completion of final restoration.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring that the approved works are being carried out within the approved timescale and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

25. No mineral working shall take place below the base of the Greenmoor Rock.

Reason: To minimise the risk of pollution of watercourses and aquifers, restrict disturbed areas to not extend beyond those identified on the approved plan and to accord with Kirklees Local Plan Policies LP36 and LP37 and guidance within the National Planning Policy Framework

26. No mineral extraction shall take place within 5 metres of the drystone wall which forms the northern boundary of the area of woodland indicated on approved drawing MM/SOV/04-06/OWN and located between the southern boundary of the approved site and Barnsley Road.

Reason: To safeguard the health of existing trees which present an important feature adjacent to the site and to accord with Kirklees Local Plan Policies LP32, LP36 and LP37 and guidance within the National Planning Policy Framework

27. No stockpile of mineral or other materials shall exceed a height of 2 metres above adjacent unexcavated land.

Reason: In the interests of visual amenity and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Restoration

28. After completion of mineral extraction in phase 2, 3, 4 and 5 the phase area shall be progressively restored to agriculture, woodland, amenity, recreation and/or a nature conservation use in accordance with a scheme to be submitted for the approval of the Mineral Planning Authority within 6 months of the date of completion of mineral extraction as notified under condition 24(iii). Unless otherwise agreed in writing the submitted scheme shall provide for:

- final landform and after-use;
- contour plans and representative cross sections and longitudinal sections showing post restoration levels;
- the phasing and direction of backfilling of the site with overburden and quarry waste arising from within the Site;
- the depth of subsoil and topsoil to be replaced;
- soil placement methods;
- details of cultivation techniques and equipment to be used;
- seed mixes;
- tree / shrub and bush details, species, density of planting, protection from pests, weed control, drainage and fencing;
- design and location of fencing, dry stone walls, gates and stiles, in the local style;

- site drainage and water management; and
- programme of works and timescales.

The scheme shall be implemented following its approval by the Mineral Planning Authority.

Reason: In the interest of minimising impact on the amenities of the local area and ensure the satisfactory restoration and beneficial use of the site after development, in accordance with Kirklees Local Plan Policies LP36 and LP37 and guidance within the National Planning Policy Framework.

Soil Replacement during Restoration

29. All soft landscaping planting as shown on drawing 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail Plan, shall be fully completed, prior to the use of the recreational pitch approved in Phase 1. Thereafter for a period of five years after planting, any tree or shrub which fails or dies shall be replaced in the next available planting season until established.

Reason: In the interests of visual amenity and to ensure restoration of Phase 1 area is completed within a satisfactory timeframe, in accordance with Kirklees Local Plan Policies LP30, LP32 and LP37 and guidance within the National Planning Policy Framework.

30. No overburden shall be removed from the site or stored above the general ground level of any of the site, but shall be backfilled into the voids of the workings, up to the original ground level.

Reason: In the interests of visual amenity and to ensure the overburden remains on site to be used in the restoration of the site, in accordance with Kirklees Local Plan Policy LP37 and guidance within the National Planning Policy Framework.

31. Any tree or shrub planting which becomes damaged, diseased or fails within 5 years of planting within any Phase, shall be replaced in the next available planting season until established.

Reason: In the interests of visual amenity and to ensure restoration of Phase 1 area is completed within a satisfactory timeframe, in accordance with Kirklees Local Plan Policies LP30, LP32 and LP37 and guidance within the National Planning Policy Framework.

32. If on any part of the areas which is grass seeded following planting in any Phase, satisfactory growth is not obtained, the affected area shall be fertilised, re-seeded and cultivated during the next available sowing season to establish a grass sward. Thereafter the grass sward shall be regularly managed and maintained to control the growth of weeds and rank vegetation.

Reason: In the interest of visual amenity, to prevent the proliferation and spread of weeds to accord with Policies LP30 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

33. With the exception of Phase 1, the recreational area and the electricity substation shown on approved drawing 0868-SH-XX-XX-DR-L-1000 Rev A, upon completion of restoration in the final phase, and following the return of

all subsoils to the site, all remaining buildings, structures, mounds / bunds, haul roads and areas of hardstanding shall be removed. Hardstandings shall be broken out and construction materials shall be removed from the site. The route of the haul roads and areas previously occupied by mounds / bunds shall then be subsoil-ripped to relieve compaction, prior to being spread with subsoil and topsoil and seeded to grass in accordance with conditions 28 to 32 above.

Reason: In the interests of visual amenity, openness of the Green Belt and to ensure the landscape proposals integrate well with the surrounding local amenity and character of the area, in accordance with Policies LP30 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance

Amenity

34. Excluding the pumping of water, operations on the site and associated vehicular movement in and out of the site shall only take place between the following times:

- Monday to Friday 07.30 - 18.00 hours
- Saturday 07.30 - 13.00

and the servicing, maintenance and testing of quarry plant and machinery shall be limited to between 07.30 - 22.00 hours on any day and there shall be no working on Sundays and no working or servicing, maintenance or testing of quarry plant or machinery on Bank Holidays or National Holidays except with the prior agreement in writing of the Mineral Planning Authority.

Reason: To ensure that the proposals do not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

35. No HGV will enter or leave the quarry via the access identified on plan 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail on any day while the car park is in use by members of the public.

Reason: In the interests of highway safety and amenities of anyone using the site and to accord with Policy LP21 of the Kirklees Local Plan.

36. The site access gates identified on plan 0868-SH-XX-XX-DR-L-1000, Rev A, Phase 1 Restoration Detail shall be secured shut at all times when the quarry and car park are not in use.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and guidance within the National Planning Policy Framework.

37. Efficient silencers for engines shall be fitted to, used and maintained on all vehicles, plant and machinery used on the site. Equipment which develops any fault resulting in a noisy operation, shall be removed from use until the fault is remedied.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

38. All vehicle reversing warning systems and/or alarms shall be operated following the commencement of all site operations. At all times measures shall be employed to prevent and counteract the effects to nearby residents of audible warning alarms.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

39. The limit of noise produced by the operation of the quarry shall not exceed a limit of 55.dB(A) LAeq 1h (free field) during the hours of 0700-1900, except during the construction of the peripheral baffle mounds, soil stripping and overburden removal and that a limit of 42dB LAeq, 1h shall apply during any other times that activities are permitted. These limits are to apply to the closest dwellings at 1 and 3 Carr Lane and 171,173 and 175 Lane Head Road.

Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and guidance within the National Planning Policy Framework.

40. The measures detailed within the Dust Management Scheme dated May 2018 submitted as Appendix E of the supporting statement (pursuant to planning permission 2018/91605) shall be employed/maintained at the site at all times.

Reason: To safeguard the amenities of nearby residents, highway safety and to accord with Kirklees Local Plan Policies LP36 and LP52 guidance within the National Planning Policy Framework.

41. Vehicles and plant travelling on internal haul roads shall at no time exceed a maximum speed of 15 mph.

Reason: To protect the amenities of all those using the site, in the interest of highway safety and to accord with Kirklees Local Plan Policies, LP21, LP36 and LP52 Chapter 17 of the National Planning Policy Framework.

42. All vehicles and mobile plant within the site shall operate with upturned exhausts. **Reason:** To protect the amenities of all those using the site, in the interest of highway safety and to accord with Kirklees Local Plan Policies, LP21, LP36 and LP52 Chapter 17 of the National Planning Policy Framework.

Blasting

43. There shall be no blasting on the site.

Reason: To protect the amenities of nearby local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and guidance within the National Planning Policy Framework.

Aftercare

44. An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the

site reclaimed under conditions 1 and 28 to the required standard for use for agriculture, woodland, amenity, recreation and/or nature conservation shall be submitted for the approval of the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any Phase of the permitted development site and thereafter implemented.

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use, in accordance with Kirklees Local Plan Policy LP37 guidance within the National Planning Policy Framework.

45. The aftercare scheme submitted in accordance with condition 44 shall provide a detailed strategy which shall include:

- a detailed annual programme for the first year of aftercare;
- details identifying who would be responsible for carrying out the aftercare;
- broadly outline the steps to be carried out in the aftercare period, and their timing within the overall programme; and
- include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals.

Thereafter the approved aftercare scheme shall be fully implemented in accordance with the approved details and timescales.

Reason: To ensure the restoration of the site is completed to a beneficial after use, secure biodiversity net gain and accord with Kirklees Local Plan Policies LP30 and LP37 and guidance within the National Planning Policy Framework.

46. Following compliance with conditions 44 and 45 above, a detailed annual aftercare programme shall be submitted annually to, and approved in writing by, the Mineral Planning Authority before 31st August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals, and shall comply with the requirements identified in National Planning Practice Guidance. The approved programme shall thereafter be fully implemented.

Reason: To ensure the restoration of the site is completed satisfactorily and the site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and guidance within the National Planning Policy Framework.

47. Every year during the aftercare period, as defined by condition 44, the developer / site operator shall arrange a site meeting to be held before 30th November, to which the following parties shall be invited:

- The Mineral Planning Authority;
- The site operator;
- All owners/tenants of land within the site;
- Any restoration/aftercare sub-contractor retained by the applicant/operator;
- The Forestry Commission; and
- DEFRA

The meetings shall include a discussion on the reports prepared in accordance with conditions 44 and 45 above, review progress to date, and agree any further remedial measures or improvements necessary under the aftercare programme for the coming year and to be carried out within an agreed timescale.

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

48. In the event of mineral extraction on the site ceasing for any reason for a period in excess of 18 months any part of the site where soil has been stripped or minerals extracted shall be restored for after use for amenity woodland in accordance with a scheme submitted for the prior written approval of the Mineral Planning Authority within 30 months of extraction works ceasing on site, and shall be implemented in accordance with the programme of works contained in the approved scheme. The submitted scheme shall provide for items (a) to (k) inclusive as listed in condition 28 above.

Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and Section 17 of the National Planning Policy Framework Policy Framework.

49. There shall be no further mineral working in the area of the site which is indicated by blue hatching on approved drawing MM/SOV/04-06/OWN as having been previously worked and to be excluded from any future mineral working.

Reason: To protect the amenities of local residents, in the interests of highway safety, and to ensure there is no detrimental impact on the environment, in accordance with Kirklees Local Plan Policies LP21, LP30, LP32, LP36, LP37 and LP52 and guidance within the National Planning Policy Framework.

50. From the commencement of development to the cessation of the use hereby permitted, a copy of the terms of this planning permission including all documents hereby permitted and any documents subsequently approved or agreed in accordance with this permission or amendments approved or agreed pursuant to this permission shall be on the site during working hours and shall be made known to any person(s) given responsibility for the management or control of activities/operations on site.

Reason: To enable easy reference and to encourage compliance with the requirements of this permission so as to ensure the orderly operation and restoration of the site.

Additional Conditions

51. Within one month of the date of this permission, the site access gates shall be repositioned in accordance with the approved plan 0868-SH-XX-XX-

DR-L-1000 Rev A, showing the gates set back from Carr Lane. The gates shall thereafter be retained in that position for the lifetime of the development.

Reason: In the interests of highway safety and to ensure safe access and manoeuvring to and from the site in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

52. Unless otherwise agreed in writing with the Local Planning Authority, the Phase 1 restored football pitch and associated recreational land shall be retained for recreational use in perpetuity and shall not be used for any alternative purpose without the prior written approval of the Local Planning Authority.

Reason: To secure the long-term recreational after-use of the site and community benefit arising from the restoration in accordance with Policies LP37 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: The requirements of condition 8(ii) shall not apply to any road signage or other structure erected by the Highways Authority.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			14/10/2025
Revised Phase 1 Restoration Detail Plan	0868-SH-XX-XX-DR-L-1000, Rev A		09/12/2025
Site location	60540878-SOV-001		16/05/2018
Land ownership	60540878-SOV-002		16/05/2018
Phase 2 and 3 extraction and phase 1 backfill	60540878-SOV-003		16/05/2018
Phase 3	60540878-SOV-004		16/05/2018
Phase 4	60540878-SOV-005		16/05/2018
Phase 5	60540878-SOV-006		16/05/2018
Phase 1 restoration detail sections	60540878-SOV-008		16/05/2018
Phase 1 restoration planting detail	60540878-SOV-009		16/05/2018
Supporting planning statement	May 2018		16/05/2018

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 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.

Negotiations were undertaken to secure revisions to address highway safety concerns and removal of the storage shed, which would require planning permission in its own right. Formal agreement has also been sought from the applicant to the conditions set out above.