

**Application No: 2013/90793**

**Type of application: 62m - FULL APPLICATION**

**Proposal: Mineral extraction**

**Location: Land adjacent Thewlis Lane, Crosland Moor, Huddersfield, HD4 7AB**

**Grid Ref: 411972.0 414442.0**

**Ward: Crosland Moor and Netherton Ward**

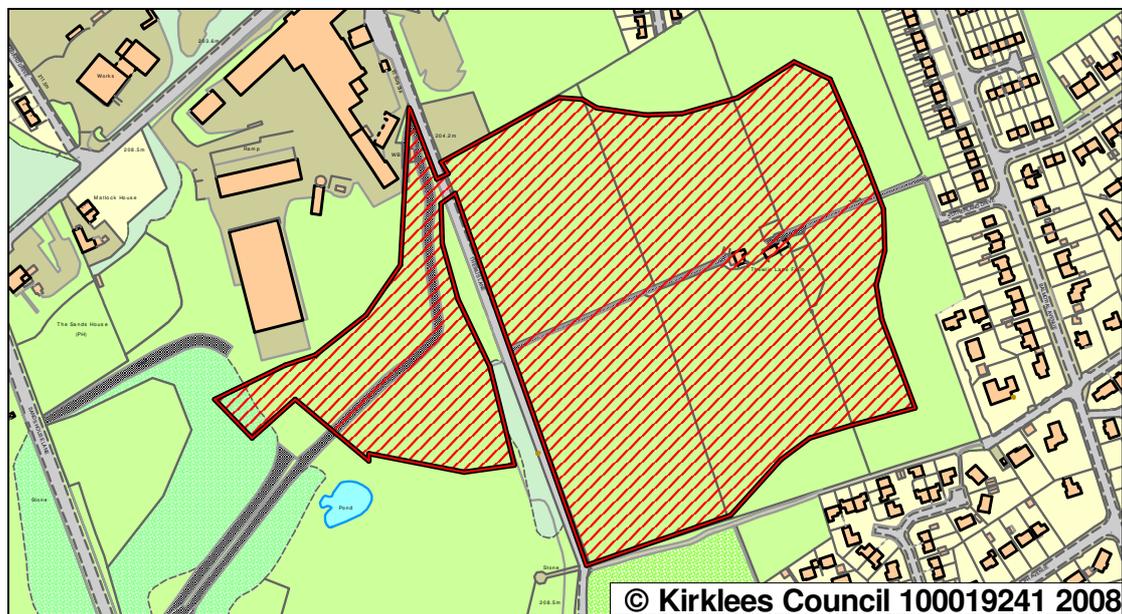
**Applicant: Shaun Berry, Johnsons Wellfield Quarries Ltd**

**Agent: Philip Sharland, Silkstone Environmental Ltd**

**Target Date: 31-Dec-2013**

**Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS**

## **LOCATION PLAN**



**Map not to scale – for identification purposes only**

### **1. SUMMARY OF APPLICATION**

This proposal relates to the extension of mineral extraction operations onto land neighbouring Johnson Wellfield Quarries at Crosland Moor. The

applicant has indicated that this proposal would provide an additional 200,600 tonnes of dimension stone which would supply the on site saw sheds for several years. The application documents indicate that mineral extraction from the Thewlis Lane site would take 8 years with a further two years to complete restoration. However, as this proposal would be worked in tandem with the current mineral extraction area initial preparation works prior to mineral extraction commencing at Thewlis Lane would take two years to complete. This proposal would bolster very limited permitted reserves at the existing quarry and therefore safeguard in the region of 100 associated jobs. Officers consider that whilst this proposal would have a short term impact on the amenity of the area, with appropriate mitigation the adverse effects associated with this development could be satisfactorily alleviated to an acceptable level. The proposed restoration would tie in well with that already approved and partially implemented on parts of the existing quarry and would provide a more diverse range of habitats than currently exist at the site. The proposal would not result in the generation of additional daily vehicle movements and would not create any additional risk to highway safety. Furthermore, bearing in mind the impact of the current extractive operations immediately to the west of the proposed extension area, this proposal would not have significant additional environmental effects on the local environment.

#### **RECOMMENDATION:**

#### **CONDITIONAL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:**

- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS**
- **SECURE A DEED OF VARIATION WITH THE APPLICANT TO AMEND THE EXISTING SECTION 106 AGREEMENT ASSOCIATED WITH PLANNING PERMISSION 2003/62/91691/W0 TO ALLOW AN EXTENSION OF TIME TO FACILITATE THE RESTORATION OF THE WATERHOLES EXTENSION AREA AND,**
- **SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES TO ALTER THIS RECOMMENDATION, TO ISSUE A DECISION NOTICE.**

#### **2. INFORMATION**

This application is brought before the sub-committee as the site area exceeds 0.5ha and due to the level of public representation.

#### **3. PROPOSAL/SITE DESCRIPTION**

The application site occupies an area of approximately 10.3 ha in total and comprises land to the east of Thewlis Lane. This represents the proposed mineral extraction area and a smaller area of land within the restored and operational sections of the existing quarry to the west of Thewlis Lane, which would be used to provide storage facilities for extracted block stone. The application site is located approximately 3 kilometres south west of Huddersfield town centre on the periphery of Crosland Hill and the proposed mineral extraction area is bounded to the west by Thewlis Lane and

comprises open fields which historically formed part of Thewlis Lane Farm. However, farming activity associated with Thewlis Lane Farm ceased decades ago and the land is now only cropped for haylage/silage. Residential properties are located to the north, east and south of the site, the nearest being approximately 100 metres from the proposed quarry void. The application site is allocated as provisional open land in the adopted Unitary Development Plan.

The applicant has indicated that the site would yield approximately 200,600 tonnes of blockstone which would be processed in the nearby processing works to the north west which form part of the existing quarry. The existing quarry has established site infrastructure which would be available to use in connection with this proposal. Extractive operation would progress to a maximum depth of approximately 30m below ground level although this would vary across the site due to the site topography and the dip of geological strata. This excavation depth is similar to previous excavations within the existing quarry complex.

### Extractive Operations

It is proposed that operations at the site would be carried out in a series of 8 Phases which would involve the exchange of backfill materials between the existing operational and proposed mineral extraction areas and can be summarised as follow:

Phase 1 – Blockstone from the current airfield workings will be extracted and stored within the proposed external stone storage area. The resultant shale interburden would be stockpiled to the south west of the airfield workings and the remaining overburden would be used to backfill the previously worked cuts.

Phase 2 – Soils would be stripped from the proposed mineral extraction area off Thewlis Lane and used to construct screening mounds around the perimeter of the proposed void. The removal of overburden would then commence and the resultant quarry waste transported to the stockpile to the south west of the airfield workings. Blockstone would be extracted and transported to the stone storage area to the west of Thewlis Lane.

Phase 3 – Overburden from the airfield works would be extracted and used to backfill adjacent worked out areas. Blockstone extraction would continue and the extracted stone would be transported to the proposed stone storage area. Shale interburden would be extracted from the airfield works and transported to the worked out areas in the Thewlis Lane extension area and used as backfill material with any excess being transported to the waterholes quarry void to the south west of the application site for storage until required.

Phase 4 – Sandstone extraction would continue in the Thewlis Lane extension area with stone being transported to the stone storage area to the west of Thewlis Lane. Overburden would be transported to the airfield workings to be

used as backfill material with any excess being stockpiled to the south west of the airfield workings.

Phase 5 – Sandstone extraction would continue at the airfield workings and the resultant overburden would be used to backfill the adjacent worked out cuts. Shale and shale inter-burden would be transported to the Thewlis Lane extension area and used as backfill material with any excess being stored in the waterholes quarry void.

Phase 6 – Overburden removed as a result of continuing blockstone removal from the Thewlis Lane extension area would be transported to the airfield workings and placed within the worked out sections of the quarry void.

Phase 7 – Blockstone extraction would take place from the final cuts of the airfield works with the resulting overburden being used to backfill the previously worked out areas of the void. Extracted Shale and shale interburden would be transported to the Thewlis Lane extension area and used to backfill the worked out sections of the void. The soil screening mounds around the Thewlis lane workings would be dismantled and re-spread over the backfilled void to achieve the final restoration levels.

Phase 8 – The final worked out cuts of the airfield works would be backfilled using the stockpiled material to the south west of the workings.

#### Restoration

The applicant proposes to progressively restore the site back to existing ground levels by backfilling the quarry void with quarry waste derived from the application site and by utilising waste materials from their exiting operational extraction area which is located approximately 1 km to the west adjacent to Crosland Moor Airfield. The applicant proposes to work both of these sites in tandem and an exchange of backfill material will take place between the sites as detailed in the submitted phasing proposal which supports this application. This material would be transported between the two sites using the existing haul road and via the current site exit. The overall restoration concept is to allow the land to be returned to agricultural use although this would include ecological enhancements to improve local biodiversity. The applicant has confirmed that backfilling of the site would be carried out to a standard that would allow the potential future development of the site.

#### **4. BACKGROUND AND HISTORY**

This proposal would form part of a much larger quarry complex extending west of Thewlis Lane, which overall occupies an area of approximately 50 ha. and has historically been developed under a number of different planning permissions since 1928. These permissions are listed below:

Interim Development Order permissions which were granted on 10 November 1947:

No.1282 for “Mineral Working and Infilling” at Wellfield Quarry  
No.1289 for “Mineral Working and Infilling” at Waterholes Quarry  
No 1284 for Mineral Extraction and Infilling” at Moorfield Quarry.

Approval was granted for a Scheme of Conditions for each of these IDO permissions on 11 August 1995. These Schemes allowed for the importation of inert wastes to infill the worked out quarries and required the sites to be restored to moorland and amenity woodland.

Planning permission number 17541 for “Mineral Working and Infilling” was granted on 18 December 1967 for a westerly extension to Moorfield Quarry to the boundary with Hill Tree Park chalet site.

Planning permission number 92/62/05699/W0 for “Mineral Extraction and Infilling” was granted on 23 May 1997 for an extension to Moorfield and Waterholes Quarries (also known as “the Airfield extension”). The planning conditions attached to this permission required the site to be backfilled and restored to moorland.

A further planning permission number 2002/70/92247 was granted on 15 November 2002 to allow extraction from an area at the western end of the area permitted by permission no.92/62/05699/W0. This was necessary because the quality and quantity of dimension stone in the area permitted by 92/62/05699 was not as good as anticipated and the operator considered that mineral extraction in much of the remainder of the permitted area would not be viable. The operator needed permission to work an area in advance of the permitted sequence of extraction.

A Planning Obligation was made under Section 106 of the Town and Country Planning Act 1990 by Johnson Wellfield (Quarries) Limited on 30 April 1997 providing timescales for the start and cessation of mineral extraction and infilling in respect of areas permitted under IDO permissions 1282, 1289 and 1284, and planning permissions 17541 and 92/62/05699. The Section 106 Agreement also obliged the operator to restore Sandene Quarry off Thewlis Lane in accordance with an agreed scheme and to provide tree planted screening bunds between Moorfield Quarry and Hill Tree Park and to the south of Hill Tree Park. The works required under the terms of that agreement completed a number of years ago.

However, the above permissions were essentially superseded by the current operative planning permission 2003/62/91691/W0 which was approved on 12 June 2006 and allowed the extension of mineral extraction operations to the south east of the original quarry and under the terms of an associated Section 106 agreement regulates landfilling and restoration of the worked out areas of Moorfield, Wellfield and Waterholes quarries. This permission requires mineral extraction to cease and the site to be fully restored within a period of 15 years from commencement i.e. by 2021, although it is likely that extractive operations will be completed much sooner than originally anticipated due to the accelerated timescales involved in working Phases 1 – 3. The above permission was subsequently amended under the terms of planning

application 2009/93289 which allowed mineral extraction from an additional area of land to the north of the workings which was not included within the original proposed extraction area. This amended planning permission also included a deed of variation to the aforementioned Section 106 agreement which included an extension of time with regard to the backfilling and subsequent restoration of the waterholes extension area until 1 January 2020 at the latest. The applicant has indicated that the current void in this area would be used as a temporary store for backfill material and as a consequence would be required for a period of at least 7 years from the commencement of the Thewlis Lane development. Consequently planning permission for the extension area would be subject to a further variation of that section 106 agreement to accommodate the additional time required to complete the restoration of the Water Holes extension void.

The whole of the current operational quarry can be divided into five operational areas and can be summarised as follows:

Crosland Moor (Airfield) extension – This is at the south eastern edge of the quarry complex and the area which is currently being developed to produce mineral. This part of the quarry is divided into a number of phases, the first 3 of which have been worked and restored. Current extractive operations are now mainly within the phase 5 of the 6 phases. The applicant has estimated that the remaining unworked part of this site contains very limited reserves which at current production rates could be exhausted by mid to late 2014.

Moorfield Quarry – This is a worked out quarry immediately adjacent to and south west of Sands House Lane which has been partially restored and is used as the site's aggregates processing area. Various types of crushing and screening equipment is located in this area below ground level which produce a variety of grades of aggregates and sand. It is likely that some material from the application site would be processed within Moorfield.

Water Holes Quarry - which has been worked out and much of the former quarry void has now been restored. This involved the use of quarry waste supplemented by the import of inert waste. The final landform has been completed and has been grass seeded or planted with trees. Limited public access to this area is allowed subject to measures to prevent access to the active areas of the quarry.

Water Holes extension - which is to the south of Water Holes Quarry and immediately adjacent to Sandy Lane. This part of the quarry has been practically exhausted of workable mineral. The applicant proposes to use this void for the temporary storage of shale to use in the subsequent backfilling of the Thewlis Lane extension.

Wellfield Quarry - which is in the north eastern sector of the quarry complex and is bounded by Thewlis Lane to the east and Blackmoorfoot Road to the north. This part of the site now houses the main stone processing plant/workshops and administrative buildings.

The proposed mineral extraction area has been the subject of a previous planning application (91/01390) for the extraction of sandstone. However, this application was withdrawn by the applicant on 21 January 1991.

Members should note that all of the land to the east of Thewlis Lane which forms part of the application site is currently owned by Kirklees Council. The land was acquired by the Council in the early 1950s. Under the terms of the purchase the Council owns the mineral rights and as a consequence if planning permission is granted and the site subsequently worked then Kirklees Council is entitled, as land owner, to seek royalties and would therefore benefit financially from this proposal. This could take the form of one of a number of different arrangements which could include:

- Granting a lease to Johnson Wellfield Quarries (JWQ) for the duration of the works and receiving mineral royalties based on a percentage of the wealth of mineral extracted and then taking the land back following completion of site restoration.
- Selling the land to JWQ quarries at a price which reflects the development value of the land.
- A combination of the above whereby the land is sold to JWQ following completion of site restoration at agricultural value with a claw back clause if the land is developed in the future.

At this point it must be stressed that negotiations relating to the mineral royalties and associated financial arrangements have not been concluded and are a separate issue which would not be resolved under the terms of this planning application and which have no bearing on the consideration of the application. An approval of this application would not commit the Council, as land owner, to agreeing to allow the site to be developed for mineral extraction. The negotiations involved in this process would be finalised on behalf of the Council by the Physical Resources and Procurement Service and any recommendation made with regard to any subsequent agreement would be made separately.

## **5. PLANNING POLICY**

The site is allocated as provisional open land in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

M 1 - General principles relating to minerals applications

M3 - Sets out the criteria for dealing with applications involving mineral extraction

BE9 – Development should not detrimentally affect archaeological sites

D5 – Developments on sites designated as provisional open land

EP4 – Noise sensitive development

EP6 – Noise generating development

T10 – Highway safety

R13 – Development affecting public rights of way

National Planning Policy Framework

is considered that the following documents are relevant to this application.

National Planning Policy Framework Section 1 – Building a Strong, Competitive Economy

National Planning Policy Framework Section 11 – Conserving and Enhancing the Natural Environment

National Planning Policy Framework Section 12 – Conserving and Enhancing the Historic Environment

National Planning Policy Framework Section 13 – Facilitating the Sustainable Use of Minerals

Technical Guidance to the NPPF – Minerals Policy

**6. CONSULTATION RESPONSES**

The following is a summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

**Environment Agency** – No objections to the application subject to the inclusion of the following condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by S M Foster Associates Ltd, dated June 2012, Ref 033/027/01/fra and the following mitigation measures detailed within the FRA:

- Managing the surface water runoff such that surface water will be attenuated within the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Health & Safety Executive** – No response

**Yorkshire Water** – No objections

**English Heritage** – No objections

**West Yorkshire Ecology** – No response

**West Yorkshire Archaeology Advisory Service** – Do not object in principle but recommend that an archaeological assessment of the site is carried out prior to the application being determined. Alternatively WYAS has indicated that should the application be approved contrary to this advice then the following planning condition should be imposed:

“No development shall take place in the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority”

**Natural England** – No objections in principle but has offered the following general advice:

- The details provided in support of this application should be considered in light of the Technical Guidance to the National Planning Policy Framework, to ensure the proposals meet the requirements of sustainable mineral development.
- In accordance with Schedule 5, Part 1, Para. 4(1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse and appropriate conditions
- Bearing in mind the proposed restoration afteruse Natural England would generally expect provision to be made for a comprehensive under drainage system to be installed as practicable following restoration or further investigations to be carried out to justify the applicant’s assertion that such drainage is not necessary.
- Natural England would encourage site restoration to provide a link to existing green infrastructure currently located within the Holme Valley district level corridor

**National Grid** – No response

**Yorkshire Electricity** – No response

**Northern Gas Networks** – No objections

**K C Highways Development Management** – No objections subject to the inclusion of the following planning condition on any subsequent planning permission:

“No development shall commence until a scheme detailing the design and specification of the heavy plant crossing (Drawing No. 199/01, dated 8/13) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, signing, surface finishes and the treatment of sight lines, together with an independent Stage 2 Road Safety Audit covering all aspects of work. The crossing shall not be brought into use until the works have been carried out in complete accordance with the approved scheme and shall thereafter be retained for the lifetime of the development.”

**K C Public Rights of Way** – No objection in principle but suggested the inclusion of a temporary bridleway around the quarry workings to alleviate current problems associated with the unauthorised use of the footpath to the south of the site.

**K C Environmental Services** – No objection in principle but have recommended that the final restoration includes measures to ensure that local biodiversity is enhanced

**K C Environment Unit** – No objection subject to the final restoration achieving additional enhancements to local biodiversity

**K C Conservation and Design** – No objections in principle subject to either the submission of a listed building application to deal with the demolition of the remnants of Thewlis Lane Farm or the applicant securing the de-listing of the said farm.

**K C Planning Policy** – No objection in principle subject to the site being restored in such a way that future development of the site is not prejudiced.

**K C Strategic Housing** – No objection subject to the site being restored to a condition which would allow the site to be developed for housing

**K C Strategic Drainage** – No objection subject to the development being carried out in complete accordance with the supporting flood risk assessment.

## **7. REPRESENTATIONS**

The application was publicised by the erection of 18 site notices (including 9 EIA notices) in the immediate vicinity of the site, the posting of 60 neighbourhood notification letters and by advertisement in the local press. This publicity resulted in the submission of 28 individual letters of objection and two separate petitions, one containing 4 signatories and one containing 19 signatories. The reasons for these objections can be summarised as follows:

- The proposal would cause excessive noise and dust pollution to local residents.
- Vibration from quarrying activities would cause a significant nuisance.
- Blasting would cause unacceptable disturbance.
- The land provides a useful green space for the local community and is used on a regular basis.
- Dust from the quarry would exacerbate existing health conditions, particularly in the high numbers of elderly people who live in the area.

- The development would de-value property prices in the vicinity of the proposed development and make selling or renting property difficult.
- The proposed development would have a serious impact on the visual amenity of the area.
- The workings would pose a threat to children playing in the area
- Heavy traffic crossing Thewlis lane would adversely affect highway safety
- A similar application was refused 20 years ago and the same issues still apply
- The development would result in the loss of a grade II listed building
- Public rights of way which cross the site would be lost
- The current adopted Unitary Development Plan indicates that this site was removed as a site for future mineral working due to its proximity to nearby residential properties.
- The extraction of minerals could adversely affect the hydrology of the area
- The stability of the surrounding land could be detrimentally affected.
- Public consultation carried out by the council has not been wide enough.
- The proposal would have an adverse impact on local wildlife and the ecology of the area
- The proposed screening mounds would create an oppressive outlook for the nearest occupants of residential properties
- As Kirklees council own the land which forms the proposed mineral extraction area, it will benefit financially from this proposal. Consequently this constitutes a conflict of interest as Kirklees is the Local Planning Authority which will decide the application.

The above representations will be addressed in the following assessment

## **8. ASSESSMENT**

### **General Principle:**

In assessing the proposals against the requirements of the relevant guidance and development plan policies and having regard to all material planning considerations, including representations received, it is considered that the main planning issues in this instance are:

- Whether the proposal constitutes sustainable development
- the effects of the development on residential amenity (including noise and dust),
- biodiversity and ecological interests,
- landscape and visual impact,
- cultural heritage,
- recreational amenity,
- agricultural quality and use,
- hydrology,
- access and highway safety,
- cumulative impact,
- economic issues and community benefits,
- Other related issues.

The NPPF advocates that the purpose of the planning system is to contribute to the achievement of sustainable development and indicates that there are three dimensions to sustainable development (economic, social and environmental). Para. 7 of the NPPF goes on to indicate that these dimensions give rise to the need for the planning system to perform the following roles:

Economic role – contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements; including the provision of infrastructure;

Social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future

generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being

Environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to low carbon economy.

Guidance in the NPPF also indicates that there is a presumption in favour of sustainable development and that in decision taking, applications that accord with the development plan should be approved without delay.

### **Principle of the development:**

Paragraph 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation.

The sandstone extracted from quarries at Crosland Moor is considered to be of a high quality and has been used on projects both within Kirklees and throughout the country as a whole. Investigations indicate that the stone located within the application site is of similarly high quality to that which has been extracted from the other areas in the immediate vicinity and would therefore continue the supply of a mineral product which is both of local and national significance and cannot be readily substituted.

The site lies within an area identified as provisional open land (POL) in the Council's adopted Unitary Development Plan. Policy D5 indicates that development will be permitted on such land providing it would be in connection with established uses or would be temporary and would not prejudice its contribution to the character of its surroundings or the possibility of development in the long term.

POL sites will form part of the housing supply proposed in the Council's new development plan. The SHLAA indicates that the Thewlis Lane POL has a potential capacity for 417 dwellings (assumed density is 30 per hectare). The area where permission is being sought does not account for the entire POL allocation and instead covers an area of 8.16 hectares, of which 4.3 hectares is subject to extraction. The mineral extraction area could therefore potentially accommodate 129 homes. Should planning permission be granted then in terms of Policy D5, due to the proposed timescales involved, the site will continue to be considered a long term development opportunity although it will not come forward for housing in the next development plan. The restoration scheme would reduce the possibility of a reduced housing capacity from the site.

Whilst mineral extraction would disturb the current local landscape, it is considered to represent a temporary operation which is reversible. Furthermore the proposed restoration would result in the site being returned to a condition which would be both fit for agricultural use and which would allow the site to be developed in the future. Consequently it is considered that this proposal would accord with policy D5

Should the site be subsequently developed then the prior removal of the mineral resource would accord with para. 143 of the NPPF which indicates that local planning authorities should encourage prior extraction of minerals to prevent their sterilisation.

Whilst this site was allocated as a site for potential mineral working in the Huddersfield Local Development Plan it was specifically excluded in the Unitary Development Plan (UDP). This was due to the release of 17.5 ha of land at Crosland Moor for potential mineral working and concerns, at that time, regarding the Thewlis Lane site's proximity to surrounding residential properties and the subsequent impact minerals development was likely to have on the amenity of those properties. However it must be borne in mind that, although a site is not allocated for future mineral extraction, this does not preclude such development. As with other forms of development, whilst the development status of the land is a material consideration, this represents one of a number of considerations and ultimately any decision must be balanced against the merits of the proposal.

There is little doubt that the application site is relatively close to existing residential properties. Consequently the impact this development would have on those properties is a significant material consideration influencing the suitability of this site for mineral extraction. On this issue Paragraph 22 of the Technical Guidance to the NPPF states that in some circumstances new or extended permissions for mineral extraction close to residential property may not provide adequate protection. In such cases it may be justified to consider adequate separation distances. Any such distances should be effective but reasonable, taking into account:

- The nature of the mineral extraction activity (including its duration ;
- The need to avoid undue sterilisation of mineral resources, location and topography;
- The characteristics of various environmental effects likely to arise and
- The various amelioration measures that can be applied.

The application provides a buffer zone between the quarry void and the surrounding residential properties where those properties are at least 100m away, from the edge of the proposed void. The proposal includes the construction of screen mounds around the periphery of the proposed void and

the applicant has indicated that crushing and screening plant would not be necessary within the quarry.

Whilst it is acknowledged that this proposal would affect the amenity of nearby residential properties – see sections below, on balance it is considered that the principle of developing the site for mineral extraction is acceptable subject to there being no conflict with local or national policy documents with regard to its associated impacts.

### **Impact on amenity:**

#### Residential Amenity

The proposed site lies on land that is effectively surrounded on 3 sides by residential properties. As outlined above, at their closest, most of the nearest properties are located approximately 100m from the area where mineral extraction is proposed. The nearest properties are located off:

- Ballater Avenue, Nairne Close and Sandene Avenue to the north
- Balmoral Avenue and Sutherland Drive to the east
- Moorland Park Avenue and Moorland Close to the South

It is considered that the principal effects on residential amenity associated with working this site would be in respect of noise, dust and visual impact.

#### Noise

The Technical Guidance to the NPPF includes policy guidance on the criteria for assessing and mitigating impact resulting from noise associated with mineral development. This guidance states:

“ Subject to a maximum of 55dB(A) LAeq,1h (free field) mineral planning authorities should aim to establish a noise limit at the noise sensitive property that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator. In such cases, the limit should be set as near that level as practicable during normal working hours (07:00 – 19:00) and should not exceed 55dB(A) LAeq 1h(free field).....”

The NPPF also considers the potential impact of noise associated with temporary operations such as soil stripping, the construction of screen/baffle mounds, spoil heaps and site infrastructure etc. and paragraph 31 states:

“.....Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods up to 8 weeks in a year at specified noise sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear this will bring longer term environmental benefits to the site or its environs.....”

The applicant has provided a comprehensive noise assessment which considered the existing noise climate and predicted noise levels likely to result from this proposal in support of this application. The assessment identified the nearest noise sensitive properties (NSPs) around the site. This was done in consultation with the Council's Pollution and Noise Control Team. These properties were identified as follows:

Hadden Farm,  
Airfield Bungalow  
Justin Way, Hill Tree Park  
Victoria Place, Hill Tree Park  
Ballater Avenue  
Sutherland Drive  
Moor Park Avenue  
Delves Wood Road

The assessment demonstrated that the NSPs which would be most affected by noise were located at Ballater Avenue, Sutherland Drive, Moor Park Avenue and Delves Wood Road. However, the predicted noise levels at these locations satisfied the guidance criteria for the duration of the proposed development.

- Noise generated by mobile and fixed plant would not exceed 10dB(A) above existing background noise levels at Hadden Farm, Justin Way, Ballater Avenue and Delves Wood Road.
- Noise levels would exceed the 10dB(A) above background noise levels but would not exceed the 55dB(A) noise limit at the Airfield Bungalow, Victoria Place, Sutherland Drive.
- Noise associated with Temporary operations would not exceed the 70dB(A) limit as specified in the NPPF

Consequently the assessment concluded that noise generated by the proposed development satisfied the planning guidance contained in the NPPF Technical Guidance at all potential noise sensitive properties. The Council's Pollution and Noise Control Team has reviewed this document and has concluded that, whilst noise will be generated as a result of extractive and restoration operations, subject to the inclusion of specific conditions the resultant noise levels are considered to be acceptable.

### Dust

Mineral sites give rise to dust issues and it is recognised that the large quantities of overburden to be moved as part of extractive operations and the intensity of activity associated with that movement can contribute significantly to the increased potential for dust emissions. It is also accepted that the generation of dust can only be minimised and controlled rather than eradicated.

The previously mentioned technical guidance also includes advice on good practice with regard to assessing the likely impact of dust emissions resulting from mineral extraction and the key stages in the preparation of a dust assessment study are essentially:

1. establish existing baseline conditions;
  2. identify site activities that could lead to dust emission without mitigation;
  3. identify site parameters which may increase potential impacts from dust;
- and
4. recommend mitigation measures and site design modifications

The applicant has produced a dust and air quality assessment to support this application and has indicated that this assessment was carried out with reference to current regulatory standards and best practice. This assessment concluded that; provided the current high standards of site management are maintained and that appropriate attention is paid to avoiding dust propagation during dry, windy weather dust emissions from this proposal would be unlikely to cause a breach of current Air Quality Objectives (AQO) and would not be at levels to cause annoyance to neighbouring receptors. Again the Council's Pollution and Noise Control team have reviewed this document and subject to specific conditions it does not wish to object.

Its is therefore considered that this proposal accords with UDP policies EP4, EP 6 and M3(iii) and policy guidance contained in Sections 11 and 13 of the National Planning Policy Framework.

#### Visual amenity

At present a significant number of residential properties have, what can be described as, pleasant views across what are relatively level open fields. Consequently these properties would gain near distance views of operations involved in mineral extraction. In order to mitigate the associated impact the applicant has indicated that screen bunds of 4m in height would be constructed around those sections of the perimeter of the quarry void facing residential properties. The mounds would be constructed using a shallow slope profile and grass seeded. The applicant has indicated that these mounds would prevent all views of the operational void from the nearest residential properties and would be maintained for the duration of extractive operations. Whilst there is little doubt that this proposal would change the outlook of residents overlooking the site, the proposed buffer zone and screen mounds would reduce the potential impact of development on their visual amenity and, bearing in mind the operations are temporary and site restoration would see the site restored to a standard fit for agriculture, it is considered that this temporary disruption to visual amenity is acceptable. Consequently this proposal accords with UDP policy M3(i) and policy guidance contained in Section 11 and 13 of the NPPF.

## **Environmental Impact:**

### Ecology

At present the site is used for low intensity agriculture which for many years has involved the cropping of silage/haylage only. The site is crossed by several old drystone walls and these and the field margins may provide habitat for a variety of flora and fauna. The applicant has carried out an ecological assessment which considered the site's current ecological value and the likely potential impacts associated with the proposal with regard to protected and vulnerable species. The conclusions of this assessment can be summarised as follows:

- Improved grassland dominates the site mainly comprising of a limited number of common grass species. Consequently it is considered that the site's generally of negligible intrinsic conservation value.
- No evidence was recorded of the presence of badgers at the site
- No suitable habitats for roosting bats were identified and given the lack of habitat diversity the site is considered to be of limited value for foraging and commuting bats.
- The site is considered to be of low value for breeding birds although the proposals may result in the loss of breeding habitat for a small number of species such as sky lark and UK BAP species. However, due to the wide availability of such habitat in the vicinity, it is considered that the conservation status of any such species would not be affected.
- Three water bodies were identified within 500m of the site. However, due to their characteristics it is considered they offer poor suitability for Great Crested Newts.
- The majority of the site is considered to be unsuitable for reptiles. However, the central track (formerly the access to Thewlis Land Farm) and the old dry stone walls could provide some suitable habitat.

The Council's Environment Unit (E U) was consulted with regard to this proposal and agreed with the conclusions of this assessment. However the EU recommended that the final restoration should include additional enhancements to local biodiversity. Following further negotiations between the applicant and the EU it is considered that this could be achieved through a planning condition requiring the submission of a detailed restoration scheme which builds upon the proposed restoration concept and includes measures to improve connectivity in the wider landscape. It is therefore considered that this proposal accords with UDP policy M3(ii) and Section 11 of the NPPF.

## Hydrology/Hydrogeology

Mineral extraction has the potential to disturb and adversely affect local ground and surface water regimes. This proposal would result in the creation of a depression into which incident rain would drain. A hydrogeological assessment carried out by the applicant indicates that, at present, a high percentage of this rainfall infiltrates underground strata with a very low run off. Evidence from adjacent quarries suggests that the volume of perched ground water is low and that any water entering the excavations would drain freely through the base. The applicant's supporting assessment concludes that:

- The proposed mineral excavations would remain well above regional groundwater levels but would intercept shallower perched ground water at depths of around 16m – 20m below ground level.
- Surface and groundwater draining into the excavations would drain freely through the quarry floor with no significant impact to groundwater levels or flow consequently there will be no requirement to remove ground or surface water from the site.
- Removal of unsaturated sandstone may increase the risk of deeper ground water systems becoming contaminated as result of site operations. However, subject to the implementation of pollution control measures, this risk is likely to be negligible.
- The development does not therefore represent a significant risk to ground water resources and that subject to appropriate pollution control measures no other mitigation would be required

## Flood Risk

The application site is located in Flood Zone 1 which is outside the limit of high or moderate fluvial risk. The NPPF indicates that all users of land are appropriate to this zone and, in relation to flood risk vulnerability, it is considered that mineral workings are less vulnerable. As this proposal would be sited in an area of lowest flood risk it is consistent with the objectives of the NPPF as confirmed in Table 3 of the associated Technical Guidance. The proposed development therefore passes the sequential test with regard to flood risk. As the application site exceeds 1ha. a Flood Risk Assessment (FRA) must be submitted to support the application. The conclusions of the FRA provided by the applicant can be summarised as:

- There is a low risk of fluvial flooding and it has been demonstrated that that the site is not at risk from ground water flows from adjacent land.
- Proposals to manage surface water on site would result in a minor net reduction in site surface water discharge. Therefore the development would have no adverse impact on local flood risk.

- The proposed development would make maximum use of permeable surfacing and on site attenuation to minimise run off. The development would therefore incorporate the principle of Sustainable Drainage Systems.

The Environment Agency has reviewed the supporting information provided by the applicant with regard to the hydrological implications of this development and subject to the inclusion of specific planning conditions does not object to this proposal. It is therefore considered that this development accords with UDP policy M3 (v) and Policy Guidance contained in Section 11 of the NPPF.

### Agricultural Quality and Use

At present and historically the majority of the site has been used for agricultural purposes. The agricultural quality of the land falls within Grade 3 with 2.8 ha sub-grade 3a and 3.9 ha sub-grade 3b. A small proportion of the site, in the vicinity of the former Thewlis Lane Farm, is designated as non – agricultural land (0.3ha). Agricultural land having a classification of Sub-grade 3a is considered to be of good quality and falls within the category “best and most versatile”, together with Grades 1 and 2. Policy M3(vii) indicates that mineral development will be permitted provided that it would not result in the permanent loss of such agricultural land. Whilst the use of the land for agriculture would be lost for the duration of mineral extraction the final restoration of the site would allow it to be used for agricultural purposes in the future. Consequently the development would not conflict with the aims of policy M3(i) or Section 13 of the NPPF

### Landscape character and visual amenity of the area

Mineral extraction by its very nature has the potential to have a significant impact on the landscape character and visual amenity of an area and the associated effects this type of development would have must therefore be fully considered. The application site straddles Thewlis Lane with a smaller element to the west within the boundary of the active quarry complex and the larger area to the east falling within an area of open agricultural land. It is considered that the proposed use of the land to the west would not result in a significant change to the character of the local landscape as the operations involved would be similar to current operations taking place in the immediate vicinity within the active quarry complex. However, the land to the east of Thewlis Lane would see a significant change. The proposed mineral extraction area forms part of 6 rectangular agricultural fields enclosed by drystone walls. This land is surrounded to the north east and south by residential properties which at present overlook the proposed site. The wider area exhibits a range of landscape characters including residential and commercial to the north and east and rural open land comprising of a mixture of rough grassland and agricultural land to the west and south and a golf course to the northwest. Whilst the application site has some amenity value, it is considered that this has been diminished to some extent by the existing development influences in the wider surrounding area.

The applicant has provided a Landscape Visual Impact Assessment (LVIA) which has considered in detail the current value and quality of the existing landscape and how it would be affected by this proposal. It concludes that the landscape in the immediate vicinity of the site is of medium value as a result of current commercial and residential effects and the quality of the landscape is moderate. The LVIA also indicates that the landscape sensitivity in the area is low and that the magnitude of the overall impacts on the landscape would be of low magnitude equating to minor but noticeable changes over a localised area or moderate temporary changes over a short timescale. The significance of the landscape effects are considered to range from minor adverse to moderate adverse depending on the operations involved with a minor beneficial effects following site restoration.

It is considered that there are two main elements which would impact on the visual amenity of the area which are:

- The landscape and visual impacts associated with the proposed quarry extension area and;
- The landscape and visual impacts of the proposed 10m high overburden storage mound adjacent to the current mineral extraction area (Airfield Extension)

The applicant's supporting LVIA indicates that near distance views of the site would be obtained from PROW 220 which is immediately adjacent to the southern boundary of the site, from Thewlis Lane and the surrounding residential properties to the north, east and south. However, the proposed perimeter screen bunds would provide effective screening for the nearest sensitive receptors. Whilst the screen bunds themselves would have a negative impact on the outlook of these receptors, this would be for a temporary period until the site is restored. Middle distance views towards the proposed site would be limited or non-existent due to a combination of local topography, existing development and vegetation. Longer distance views of the site would be possible from high ground which is publicly accessible such as Castle Hill which is 3km to the east. However, the visual impacts at such distances would diminish significantly to the point where the impact associated with this development would not be easily discernible in the landscape with the naked eye.

The proposed overburden storage mound which would have a maximum height of 10m would create a noticeable manmade feature in the landscape. This mound would remain in situ until material is required to backfill and restore the worked out areas of the quarry. The applicant's LVIA has assessed the visual impact of this mound separately. Near distance views of the mound would be possible from the local vehicular highways and PROW network. It would also be possible to see the mound from Hadden Farm which is located to the south and the closest residential property and limited views would also be possible from Walker Syke and Moor End Farm, although views from the latter locations would be screened to some extent by buildings at

Hadden Farm. Middle distance views would be possible although, at present, the existing quarry workings are currently visible from the south and west and the proposed mound would act to screen the workings at those distances. There is no doubt that the mound would be clearly visible from certain middle distance view points. However, the applicant has indicated that the outer slopes of the mound would be evenly graded and hydro-seeded to minimise the visual impact and the mound would be in place for a maximum of 8 years. Longer distance views would also be possible between 1.5 and 3km from the mound. However at these distances the influence of the mound on the visual amenity of the area would be significantly reduced.

Whilst this development would have an impact on landscape character and visual amenity Officers consider that, on balance, this would be acceptable bearing in mind the context of the landscape in the immediate vicinity of the site. Consequently this proposal would therefore accord with UDP policy M3(i) and sections 11 and 13 of the National Planning Policy Framework.

### Cumulative Impact

It is considered that as there are no other non connected operational mineral workings within a distance where a cumulative impact would result, an assessment of this issue has been made with regard to the JWQ complex of quarries. The current operational planning permission for the existing site restricts the export of mineral from the site to 2500 tonnes per day. The applicant has confirmed that if planning permission is granted then this figure would not be exceeded and that the overall HGV movements from the site would not be greater than those permitted. Consequently this proposal would be neutral in terms of traffic flow and there would be no resultant cumulative impact with regard to transport.

The applicant proposes to work the extension area in conjunction with the existing mineral extraction area to the west. There is therefore the potential for a cumulative impact on air quality as a result of increased levels of dust. However, as indicated HGV traffic levels would not increase, therefore associated dust generation levels from this source would be similar to existing levels. The applicant's air quality assessment indicates that this proposal would not lead to significant air quality effects and Officers therefore consider that there would be no significant cumulative impact.

The extraction of mineral at this site would introduce a further noise source to the area. There would therefore be a resultant cumulative effect in the immediate vicinity of the site. However, the applicant has demonstrated that in most circumstances the activities associated with this proposal would not increase noise levels beyond 10dB above background levels and any cumulative impact would accord with the technical guidance to the NPPF.

The current quarry complex includes a significant area of disturbed land. As a consequence the creation of a further quarry void will result in a cumulative impact which would affect the character of the surrounding landscape. However, this matter must be considered in the context of the surrounding

landscape which already exhibits evidence of mineral working. Furthermore it is considered that this cumulative impact would be mitigated due to the progressive restoration of both mineral extraction areas.

### **Impact on Heritage Assets:**

Paragraph 128 of the NPPF states: "In determining planning applications Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting..." However the NPPF indicates that the level of detail be proportionate to the assets' importance.

Thewlis Lane Farm is the only known heritage asset on site. This building was until recently Grade II listed. However, the only surviving elements of the building are the bottom courses of some of the walls indicating the structure's footprint. As the building has suffered an almost total loss of its historic and architectural significance the applicant made a formal application to English Heritage to have the building de-listed. This de-listing was agreed and confirmed by English Heritage on 17 June 2013.

The nearest listed buildings outside the site form a group approximately 350m - 400m to the north and cannot be seen from the site due to other built structures located in between. It is therefore considered that this proposal would not have any significant effect on the setting or character of those buildings

West Yorkshire Archaeology Advisory Service (WYAAS) was consulted as mineral extraction has the potential to disturb unrecorded archaeological remains. Whilst there are no recorded remains on the application site WYAAS considers that the site lies within an area of archaeological potential as enclosures which may be prehistoric are recorded 400m from the site and similar remains may therefore be present on the areas of the site where mineral extraction would take place. WYAAS has therefore recommended that further detailed archaeological investigations should be carried out prior to this application being determined. However, officers consider that this could be achieved via a 'Grampian' style condition which would preclude any development on site until a scheme detailing a programme of archaeological recording has been agreed and fully implemented.

On balance it is considered subject to the imposition of appropriately worded planning conditions this proposal would accord with UDP policy BE9 and Section 12 of the NPPF

### **Socio - economic Impacts:**

The Kirklees economy supports around 150, 000 jobs and with a working population of approximately 200,000 there is a significant shortage of employment opportunities in the district. The unemployment rate in Kirklees is above the national average and it is therefore important to ensure that

additional employment opportunities are created and existing jobs are retained.

The applicant has indicated that JWQ is part of the Myers Group of companies which currently employs approximately 350 people, 100 of whom are directly employed at the existing quarry complex. The present quarrying operation has seen significant investment in recent years in new equipment which has resulted in the site being one of the most advanced stone working operations in the country. This has allowed JWQ to produce very high quality worked stone to supply both local and national markets. This is reflected in the company's sales figures which for 2011/12 was nearly £6,000,000. Consequently JWQ are not only a major employer in the district but its products are sought after both locally and nationally.

The NPPF encourages Local Planning Authorities to look positively at development which supports sustainable economic growth. This proposal would allow the continued production of a highly sought after product and would therefore have a positive impact on the local economy. The applicant has indicated that, although this proposal is temporary in nature, it would help to secure existing jobs at the JWQ site and would also benefit the local economy as a result of employment opportunities for ancillary suppliers of materials and services.

The applicant has indicated that, at the time of the planning application (received March 2013), JWQ has less than 3 years of permitted reserves on site at current rates of extraction. It should be noted that this figure is reliant on the quality of stone being constant in the current area of extraction. Past experience has shown that this cannot be guaranteed as the quality of stone in the first three phases of the current permitted area rapidly diminished to the point where mineral extraction had to be abandoned in those phases as it was not financially viable. JWQ has confirmed that without further permitted reserves on site the viability of JWQ and the Myers Group as a whole would be significantly affected.

#### **Impact on Highway Safety:**

The current operational quarry site is served by a purpose built access road which provides access to all parts of the quarry complex via Thewlis Lane. The internal haul road runs for approximately 1.5 kilometres from its junction with Thewlis Lane via a tunnel, which runs beneath Sands House Lane, to the current mineral extraction area. Material brought from the airfield extension to provide backfill material would use this facility. Mineral brought from the proposed extension area would be taken to the stone storage and preparation areas via a haul road which would adjoin Thewlis Lane. The applicant has indicated that a new crossing point would be formed at this point to facilitate HGVs crossing Thewlis Lane.

Site parking arrangements are already in place and would remain unchanged. These operate satisfactorily and are considered acceptable. Accident records indicate that there are no road safety issues in the vicinity of the site and that

the site access and the Thewlis Lane/Blackmoorfoot Road junction operate satisfactorily. Other than vehicles using the new plant crossing between the two sites the proposal would not result in any additional traffic on the local highway network. Given the lightly trafficked nature of Thewlis Lane the proposed frequency of plant crossing manoeuvres (max 20 per hour) can be safely accommodated and is unlikely to have any significant impact on traffic flow or the safety of traffic travelling along Thewlis Lane.

The Council's Highways Development Management Team considers the proposal is acceptable in principle subject to agreement being reached regarding the design and technical specifications of the vehicle crossing from the proposed mineral extraction area to the existing quarry area. It is proposed to deal with this issue via a planning condition as previously outlined.

This proposal therefore accords with UDP policy M3(iv) and T10.

### **Representations:**

A number of objections have been received with regard to this proposal. A summary of the issues raised have been noted above and a response to each is provided here:

The proposal would cause excessive noise and dust pollution to local residents.

**Response:** This matter has been considered under the section title 'Impact on Residential Amenity' above.

Vibration from quarrying activities would cause a significant nuisance.

**Response:** Vibration from activities associated with mineral extraction may occur. However, it is considered that as a buffer zone of approximately 100m would be created between the mineral extraction area and the nearest residential properties vibration levels at those properties are unlikely to be significant.

Blasting would cause unacceptable disturbance.

**Response:** The applicant has indicated that blasting would not be used to extract mineral from the site. A planning condition would also be included should planning permission be approved which would preclude blasting at the site.

The land provides a useful green space for the local community and is used on a regular basis.

**Response:** Whilst it is accepted that the site provides a useful green area and although people may use this site for dog walking etc. it should be noted that there is no legal right to access the land.

Dust from the quarry would exacerbate existing health conditions, particularly in the high numbers of elderly people who live in the area.

**Response:** This matter has been considered under the section title 'Impact on Residential Amenity' above.

The development would de-value property prices in the vicinity of the proposed development and make selling or renting property difficult.

**Response:** Whilst this proposal could affect the local value of properties, as could other types of development, this matter is not a material planning consideration. Consequently it cannot influence the determination of a planning application.

The proposed development would have a serious impact on the visual amenity of the area.

**Response:** This matter has been considered under the section title 'Impact on Landscape Character and Visual Amenity' above.

The workings would pose a threat to children playing in the area

**Response:** Mineral extraction at the site would be subject to legislation (The Quarries Regulations 1999) which would regulate the operation of the quarry with regard to Health and Safety. These regulations require that the site should be enclosed to prevent trespass onto the site. These regulations are enforced by the Mines and Quarries Inspectorate and are not therefore a material planning consideration for the purposes of determining this application.

Heavy traffic crossing Thewlis Lane would adversely affect highway safety

**Response:** This matter has been considered under the section title 'Impact on Highway Safety' above.

A similar application was refused 20 years ago and the same issues still apply

**Response:** As indicated in the 'History' section of this report the previous application made in respect to this site was withdrawn and not refused.

The development would result in the loss of a grade II listed building

**Response:** This matter has been considered under the section title 'Impact on Heritage Assets' above.

Public rights of way which cross the site would be lost

**Response:** At present there are no recorded public rights of way crossing the site although a claim that the original farm track is such a right of way has been submitted to the Council. The restoration proposals show that the line of the current track would be reinstated following the completion of the site.

The current adopted Unitary Development Plan indicates that this site was removed as a site for future mineral working due to its proximity to nearby residential properties

**Response:** This matter has been considered under the section title 'History' above.

The extraction of minerals could adversely affect the hydrology of the area  
**Response:** This matter has been considered under the section title 'Environmental Impact' above.

The stability of the surrounding land could be detrimentally affected.  
**Response:** Any deep excavation can affect the stability of adjacent land although the design of quarry excavations is such that the potential for land slip is minimised. However, it is proposed to require the submission of slope stability data via a planning condition prior to any development commencing on site to assess the potential for the quarry to cause instability.

Public consultation carried out by the council has not been wide enough  
**Response:** Publicity for this type of planning application is set out in Article 13 of the Town and Country Planning (General Management Procedure) Order 2010 and the Environmental Impact Assessment Regulations 2011. The methods detailing how the application was publicised is set out above in the Section title 'Representations'. This went well beyond the minimum required under Article 13.

The proposal would have an adverse impact on local wildlife and the ecology of the area  
**Response:** This matter has been considered under the section title 'Environmental Impact' above.

The proposed screening mounds would create an oppressive outlook for the nearest occupants of residential properties  
**Response:** This matter has been considered under the section title 'Impact on Landscape Character and Visual Amenity' above.

As Kirklees council own the land which forms the proposed mineral extraction area, it will benefit financially from this proposal. Consequently this constitutes a conflict of interest as Kirklees is the Local Planning Authority determining the application.  
**Response:** Kirklees Council is the Mineral Planning Authority and therefore must deal with planning applications for minerals development within its district. The application is assessed based upon the merits of the application and the fact that the Council may benefit from this proposal is not a material planning consideration.

The Council deals with a substantial number of planning applications to develop land or buildings which it owns, some of which may subsequently be sold at an enhanced value. Any revenue realised by this proposal would be used in the provision of services for the population of the district. In fact the land is currently leased to a local farmer which provides a rental to the Council.

## **Conclusion:**

This proposal would provide a logical extension to the existing active quarry at Crosland Moor. The extension of the existing quarry would allow the continued production of a valuable mineral resource which is of national importance and is now of limited supply within the existing quarry. The applicant has indicated that this proposal would provide an additional 200,600 tonnes of dimension stone which would supply the on site saw sheds for several years. Consequently this proposal would help to safeguard in the region of 100 associated jobs.

Whilst it is acknowledged that this proposal would have a short term impact on the amenity of the area, it is considered that with appropriate mitigation the adverse effects associated with this development could be satisfactorily alleviated to an acceptable level. The proposed restoration would tie in well with those already approved for the existing quarry and the surrounding landscape and would provide a more diverse range of habitats than currently exist at the site. The proposal would not result in the generation of additional daily vehicular movements and would not create any additional risk to highway safety. Furthermore, bearing in mind the impact of the current extractive operations immediately to the west of the proposed extension area, this proposal would not have significant additional environmental effects on the local environment. It is therefore considered that as this proposal represents temporary development which is reversible and the potential long term benefits associated with the restoration of this site would outweigh the limited detrimental affects that would be experienced during the course of mineral extraction.

## **9. RECOMMENDATION**

### **CONDITIONAL APPROVALS SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:**

- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, which may include those set out below**
- **SECURE A DEED OF VARIATION WITH THE APPLICANT TO AMEND THE EXISTING SECTION 106 AGREEMENT ASSOCIATED WITH PLANNING PERMISSION 2003/62/91691/W0 TO ALLOW AN EXTENSION OF TIME TO FACILITATE THE RESTORATION OF THE WATERHOLES EXTENSION AREA AND,**
- **SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES TO ALTER THIS RECOMMENDATION, TO ISSUE A DECISION NOTICE.**

### **Conditions:**

#### **Time Limits**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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

### **Plans**

3) A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

4) The development hereby approved shall be carried out in complete accordance with the approved plans and supporting documents except as stated otherwise in conditions listed below which shall in all cases take precedence.

### **Prior cessation**

5) 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 planting species, spacing and planting methods.
- h) A time table for the implementation of the works

The approved revised reclamation scheme shall be fully implemented within the approved timetable

### **Access**

6) The sole means of vehicular access to and egress from the site shall be via Thewlis Lane as indicated on Plan no. 10093/467 'Thewlis Access Point Plan'

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

8) No development shall commence until a scheme detailing the design and specification of the heavy plant crossing on Thewlis Lane (Drawing No. 199/01, dated 8/13) have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include full sections, drainage works, signing, surface finishes and the treatment of sight lines, together with an independent Stage 2 Road Safety Audit covering all aspects of work. The crossing shall not be brought into use until the works have been carried out in complete accordance with the approved scheme and shall thereafter be retained for the lifetime of the development. Mineral extraction shall not take place at the site until the approved heavy plant crossing has been constructed.

9) The total tonnage of material exported from and imported to the application site and land edged blue on approved plan no 10093/451 'Application Boundary Plan', shall not exceed 2500 tonnes per day in total, such limit to include materials exported from the application site, The Airfield Extension, Waterholes Extension, Moorfield, Waterholes, and Wellfield Quarries.

10) No development shall commence until a scheme has been submitted to and approved in writing by the Mineral Planning Authority which provides construction, layout and routeing details of the proposed temporary bridleway indicated on plan. No 10093/600. The approved scheme shall be implemented prior to any mineral extraction commencing at the site.

### **Land Stability**

11) No development shall commence until the design and construction details of all temporary and permanent highway retaining structures within the site have been submitted to and approved in writing by the Mineral Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works and removal of any bulk excavations, structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land, and areas of public access. All highway retaining structures shall be constructed in accordance with the approved details and shall be so maintained throughout the life of the development.

12) No development shall commence until a geotechnical stability assessment has been submitted to and approved in writing by the Mineral Planning Authority which assesses the potential for excavations associated with this development to cause instability in adjacent land and appropriate remediation strategies. The scheme shall include consideration of the following issues:

a) The physical properties of the geology on site and adjacent land including details of jointing, faulting, the dip of the strata, the presence of old workings in the vicinity and the level of groundwater and perched water tables

b) The design of the quarry faces including the proposed overall angle of slope for each part of the quarry void, the proposed face angle and benching arrangements.

c) The potential affects associated with backfilling the resultant quarry void and the subsequent settlement of the restored site.

Operations at the site shall be carried out in accordance with the approved scheme for the duration of the planning permission

### **Working programme, phasing and direction of working**

13) No development shall commence until a scheme has been submitted to and approved in writing by the Mineral Planning Authority detailing the method of constructing the screen mounds indicated on approved plan 10093/456. The scheme shall provide for:

a) The design, construction, and seeding and any subsequent maintenance of the screen/noise baffle mounds

b) The inside slope of the mounds to be designed to minimise the broadcast of sound

c) Representative Cross Sections through the proposed mounds

d) A maintenance strategy for the prevention of weed and rank growth

e) A detailed programme for the implementation of the works involved in the submitted scheme.

All screening mounds shall be constructed according to the approved scheme prior to the extraction of any mineral from the site.

14) Prior to the commencement of mineral extraction at the site, screen mounds shall be constructed in the positions shown on approved plan 10093/456 'Method of Working – Phase 2' to the specification required in condition 12. These mounds shall be seeded to grass and maintained in a tidy and weed-free condition for the life of the site. They shall be removed upon completion of backfilling of Phase 7 and the soils used in the restoration of the site.

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

16) Notwithstanding the plans and details submitted with this application no mineral extraction shall take place below the topographical levels approved under existing planning permissions regulating operations within any area enclosed by the blue line on Plan no. 10093/451.

17) No mineral extraction within the site shall take place below the topographical levels indicated on Plan no. 10093/464 'Cross Sections Through Thewlis Lane Quarry'

18) No crushing or screening operations including the use of mobile plant shall take place on the application site.

19) No development shall commence until a scheme has been submitted to and approved in writing by the Mineral Planning Authority which details the method by which the worked out areas of the quarry will be backfilled to a standard satisfactory for both agriculture and to allow the future built development of the restored site. This scheme shall include details of:

- The type and characteristics of the backfill materials to be used
- The methodology and design characteristics of the backfill proposals
- The proposed method of compacting the backfill material
- The measures proposed to deal with any excessive settlement following any backfilling
- The person(s) or organisation responsible for verifying that backfilling has been carried out in accordance with the approved scheme.
- The proposed verification procedure including the verification timetable
- Post restoration monitoring and remediation of the site

The approved scheme shall thereafter be fully implemented

20) A detailed scheme of mineral working and backfill operations shall be submitted to the Mineral Planning Authority 12 months after the date of commencement referred to in Condition 1 above and every 12 months thereafter until completion of mineral working and backfill. The scheme shall provide for:

(a) a plan indicating the lateral extent, location and direction of mineral extraction to be undertaken over the following 12 months;

(b) typical cross-sections of the extraction to be undertaken during the following 12 months including an indication of the maximum depth of excavation;

(c) a plan indicating the lateral extent, location and direction of backfilling to be undertaken over the following 12 months to achieve proposed backfill contours (Contours indicated on approved Plan no. 10093/468 less 500 mm to allow for proposed soil depth);

(d) a survey plan indicating the location and extent of mineral extraction and location, lateral extent and finished levels of backfill achieved during the previous 12 months;

(e) details of any ancillary operations, e.g. stone splitting, hand dressing, location, duration and equipment.

Every year the developer shall arrange a site meeting to be held within 1 month of the date of submission of the annual working programme to discuss the programme and to review progress to which the Mineral Planning Authority shall be invited.

21) From the date of this permission the operator shall maintain records of monthly production and mineral extraction, and shall make available to the Mineral Planning Authority on a 6 monthly basis the total tonnage of mineral product extracted from the permitted site within the previous 6 month period. All records shall be kept for inspection for at least 24 months.

### **Water protection and pollution prevention**

22) There shall be no discharge of foul or contaminated water from the site into either groundwater or any surface waters.

23) Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

24) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by S M Foster Associates Ltd, dated June 2012, Ref 033/027/01/fra included as Appendix 8 in the Environmental Impact Assessment and the following mitigation measures detailed within the FRA:

- Managing the surface water runoff such that surface water will be attenuated within the site.

The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Mineral Planning Authority.

### **Soil stripping and storage**

25) The full depth of topsoil and subsoil on existing agricultural land within the application site shall be stripped separately prior to the removal of overburden or mineral from each phase of working and stored separately in areas to be approved in writing with the Mineral Planning Authority.

26) The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid smearing and compaction and to ensure all available soil resources are recovered.

27) The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of soils, the location of each soil storage mound and an estimate of the quantity of soil stored shall be provided in writing to the Mineral Planning Authority within one month of the date soil stripping commenced.

28) Topsoil, subsoil or other soil making materials which have been approved for use in progressive restoration shall be stored according to their quality in separate mounds that do not overlap. All mounds in which soil is to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification approved beforehand in writing by the Mineral Planning Authority.

### **Restoration**

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

- (a) the phasing and direction of backfilling of the site
- (b) the removal of plant, machinery, haul roads and fences;
- (c) spreading a minimum depth of 350mm subsoil and 250mm topsoil over the backfilled overburden in agricultural grassland areas;
- (d) spreading a minimum depth of 500mm subsoil or sandy overburden over the backfilled material on areas to be restored to nature conservation
- (e) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
- (f) details of cultivation techniques and equipment to be used;
- (g) final levels and contours of the restored land graded to blend in with those of the surrounding land to prevent ponding and promote good surface water drainage;

- (h) provision of any temporary surface water drainage ditches where restored levels may cause a risk of ponding;
- (i) grass seeding of any areas to be returned to agriculture including details of proposed seed mixture;
- (j) details of the restoration to nature conservation including seeding and planting details,
- (k) removal of all storage/screen mounds;
- (l) reconstruction of drystone walls and provision of gates in the local style;
- (m) comprehensive details of post restoration drainage arrangements for the site;
- (n) full details, including construction specification, for the proposed Bridleway link from Thewlis Lane to Sutherland Drive
- (o) programme of works and timescales;

The approved scheme shall be fully implemented following its approval.

### **Soil Replacement during Restoration**

30) The final surface of backfilled quarry overburden in each phase shall be graded to provide an even surface 500mm lower than the agreed final contours.

31) The spreading of subsoil and topsoil shall only be carried out when the material is in a dry and friable condition and in sufficient time for subsoil ripping, cultivation and seeding to take place under suitable weather conditions before the end of September.

32) In each phase subsoil shall be spread to the depths specified in Condition 29 using a backacter so as to avoid running over the spread soil. If running over the spread soil with wheeled plant and vehicles is unavoidable all areas which have been trafficked with wheeled machines shall be subsoil ripped to a depth of 450mm at spacings of not more than 750mm to relieve any compaction. In areas that are to receive topsoil, subsoil ripping shall be carried out prior to the spreading of topsoil. All stones and any other object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the soil. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.

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

34) In each phase a grass sward shall be developed in those areas of the site to be restored to grassland, and a grass, heather and wildflower sward on those areas of the site to be restored to nature conservation in the first available growing season.

35) If in any part of the restored area a satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and reseeded, after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.

36) Within 2 months of the restoration and seeding of each phase the operator shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site together with a record of the depth and composition of the reinstated soil profiles.

### **Aftercare**

37) An outline aftercare scheme detailing the steps which may be necessary over the aftercare period of 5 years to bring each restoration phase to the required standard for use for agriculture or for nature conservation shall be submitted to 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.

38) The aftercare scheme submitted in accordance with Condition 37 above shall be fully implemented and shall provide details of:

a) the person responsible for implementing the aftercare scheme;

b) a plan showing each area subject to aftercare, with demarcation of any areas having different aftercare steps or management proposals;

c) the steps to be carried out in each area during the aftercare period and their timing within the overall programme in accordance the requirements identified in para. 44 to 48 of the Technical Guidance to the National Planning Policy Framework;

d) detailed programme for the first year of aftercare in accordance the requirements identified in para. 44 to 48 of the Technical Guidance to the National Planning Policy Framework.

39) Following compliance with Condition 37 above, a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August in each year of aftercare of any phase. The programme submitted shall amplify the outline aftercare scheme for works to be carried out in the following 12 months, including any modifications to the original proposals. The approved scheme shall accord with the requirements identified in para. 44 to 48 of the Technical Guidance to the National Planning Policy Framework and shall be fully implemented for the duration of the aftercare period.

40) Every year during the aftercare period the developer shall arrange a site meeting to be held every year before 30 November to discuss the report prepared in accordance with Conditions 37 and 39 above to which the following parties shall be invited:

- a) the Minerals Planning Authority;
- b) all owners of the land within the site;
- c) DEFRA.

### **Protection of Amenity**

41) Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable, or unless otherwise agreed in writing by the Mineral Planning Authority:

- a) no operations, other than water pumping, servicing and environmental monitoring shall be carried out on the site except between the following times:  
0730-1800 Mondays to Fridays  
0730-1300 Saturdays
- b) no operations other than water pumping and environmental monitoring shall take place on Sundays and Bank/Public Holidays.

42) The site attributable free field equivalent continuous A weighted sound pressure level ( $L_{Aeq,T}$ ) when measured at a height of 1.3-1.5m above ground and at least 3.5m from any reflecting structure other than the ground, measured at 'Noise Monitoring Locations' as detailed on drawing no. 10093/601 in the Noise Assessment (September 2012) included as Appendix 5 in the Environmental Impact Assessment, or at equivalent positions agreed with the Mineral Planning Authority, shall not exceed:

- a) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of screen mounds and soil stripping and replacement and the initial part of the quarry phasing, as agreed in advance with the Mineral Planning Authority (this noise limit is only permitted for a maximum of 8 weeks in any 12 month period);
- b) 10dB(A) above measured background noise level ( $L_{90T}$ ) in any one hour period at the 'Noise Monitoring Locations' as detailed on drawing no. 10093/601 in the Noise Assessment (September 2012) included as Appendix 5 of the Environmental Impact Assessment.

43) Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations (as defined in Condition 42) shall only be carried out between the hours of:

0900-1730 Mondays to Fridays  
0900-1230 Saturdays  
and at no time on Sundays or Bank/Public Holidays.

44) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.

45) All vehicle reversing warning systems and/or alarms shall be operated in accordance with specifications to be submitted to and approved in writing with the Mineral Planning Authority prior to development commencing on site.

46) There shall be no blasting on the site.

47) No development shall commence until a noise monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority.

The submitted scheme shall provide details of

- a) equipment to be used;
- b) noise monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed.

The operator shall retain the results of noise monitoring for a minimum of 12 months for inspection by the Mineral Planning Authority.

48) Prior to any excavations commencing on the permitted site a clean supply of water shall be provided to the site for the suppression of dust, the supply must be sufficient for use across the entire site.

49) No development shall commence until a scheme for the suppression of dust has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide for:

- a) the suppression of dust caused by the movement, transport and storage of stone, soils and overburden;
- b) seeding of all screening mounds and soil stockpiles which will be in place for more than 6 months;
- c) speed restriction of 15 miles per hour for all vehicles using the haul road;
- d) use of water bowsers and water spray units for the suppression of dust;
- e) all plant used on site to have upward facing exhausts;
- f) heavy plant to be fitted with radiator deflector units;
- g) suspension of the movement of mineral, soils and overburden on site when local wind speed exceeds 20 metres per second;
- h) provision and use of effective means to prevent the deposition of mud and other materials on the highway.

The approved scheme shall be implemented and complied with at all times.

50) Prior to soil stripping commencing on the permitted site a dust monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- a) equipment to be used;
- b) dust monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed.

The operator shall retain the results of dust monitoring for a minimum of 12 months for inspection by the Mineral Planning Authority.

51) The site shall not be used for the storage of waste skips or containers or other plant and equipment not directly associated with the operation of the quarry.

52) Notwithstanding the provisions of parts 19 and 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order with or without modification) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.

### **Cultural Heritage**

53) No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Mineral Planning Authority

54) The Mineral Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site and given reasonable opportunity to inspect and record it.

This recommendation is based on the following plans and documents:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	10093/450		12/03/2013
Site Plan	10093/451		12/03/2013
Existing Site Plan	10093/452		12/03/2013
Airfield Extension Plan	10093/453		12/03/2013
Waterholes Extension Plan	10093/454		12/03/2013
Phase 1 Working Plan	10093/455		12/03/2013
Phase 2 Working Plan	10093/456		12/03/2013
Phase 3 Working Plan	10093/457	Rev C	11/10/2013
Phase 4 Working Plan	10093/458		12/03/2013
Phase 5 Working Plan	10093/459	Rev C	11/10/2013
Phase 6 Working Plan	10093/460		12/03/2013
Phase 7 Working Plan	10093/461		12/03/2013
Phase 8 Working Plan	10093/462		12/03/2013
Programme of Works	10093/463		12/03/2013
Geological Verticle Section	10093/464		12/03/2013
Section Through Airfield Extension	10093/465		12/03/2013
Section Through Waterholes Extension	10093/466		12/03/2013
Access Point Plan	10093/467		12/03/2013
Restoration Plan	10093/468		12/03/2013
Zone of Theoretical Visibility	10093/501		12/03/2013
Topographical Analysis	10093/502		12/03/2013
Line of Site From Residential Properties	10093/503		12/03/2013
Proposed Temporary Bridleway	10093/600		12/03/2013
Overburden Storage Area	10093/504		12/03/2013
Revised Environmental Impact Assessment and Associated Appendices			11/10/2013
Heavy Plant Crossing Layout	199/01		11/10/2013