
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Oct-2020

Subject: Planning Application 2019/92618 Variation of condition 3 (restoration land levels) on previous permission 2013/93798 for variation of conditions 2, 3 and 32 and removal of condition 14 on previous permission 2002/90706 for variation of conditions 3, 11, 12, 13 on previous permission HO/77/A Hillhouse Edge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth, HD9 2RL

APPLICANT

Steven Graham,
Saxonmoor Ltd

DATE VALID

05-Aug-2019

TARGET DATE

04-Nov-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes (referred to in report)

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The application is one of 3 planning applications at Hillhouse Edge Quarry on the agenda of this Strategic Committee of 14th October 2020. They consist of one application to form an extension to the north of the existing quarry (2019/920750) and two Section 73 applications (2019/92617 & 2019/92618) that seeks to vary the existing consent at the quarry. Whilst the Section 73 applications do not need to be determined at committee, under the scheme of delegation, Members of the committee will have the full details of the proposals for the quarry before them and if the committee is minded to approve the application for the extension to the quarry northwards, it would require amendments to the working programme and restoration scheme of the adjacent two quarries under this and parallel application no. 2019/92617, also on this agenda.

2.0 SITE AND SURROUNDINGS:

2.1 The existing quarries occupies an area of approximately 3.5ha and includes the current extractive area, previously worked and restored areas, saw sheds, ancillary buildings and site access.

3.0 PROPOSAL:

3.1 Proposals are to vary condition no. 3 of permission 2013/93798, for the southern part of Hillhouse Edge Quarry. The variation sought is to vary previously approved restoration scheme to that as now submitted and shown on drawing no. 10172S/03.

Wording of condition 3:

“The working, restoration and aftercare of the site shall be carried out only in accordance with the following schemes and plans:

C6299/01 Location Plan

C6299/2b Topographical Survey

C6299/3 Maximum Excavation Plan

C6299/4 Restoration Plan

C6299/50 Site Plan

Supporting statement produced by MWP planning dated November 2013 including the associated addendum and conditions below which shall in all cases take precedence.”

- 3.2 The variation sought is to substitute drawing 10172S/03 for previously approved restoration plan no. C6299/4, such that the condition will read as follows:

“The working, restoration and aftercare of the site shall be carried out only in accordance with the following schemes and plans:

C6299/01 Location Plan

C6299/2b Topographical Survey

C6299/3 Maximum Excavation Plan

10172S/03 Restoration Plan

C6299/50 Site Plan

Supporting statements produced by MWP planning dated November 2013 and June 2020 including the associated addendum and conditions below which shall in all cases take precedence”.

A more detailed account of the variations proposed is set out in the appraisal below.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 HO/77/A – Continue Stone Quarrying (Approved 12 October 1950)
- 76/03937 – Erection of Workshop Building (Approved 10 November 1976)
- 79/07836 – Quarrying and Mineral Extraction (Approved 18 February 1981)
- 90/06668 – Renewal of Temporary Permission for Quarrying and Mineral Extraction with the Usual Ancillary Operations (Approved 22 July 1996)
- 95/92984 – Erection of Saw Shed (Approved 12 December 1995)
- 97/91802 – Erection of Saw Shed (Approved 1 December 1997)
- 2002/90557 – Extraction of Sandstone, Associated Ancillary Activities, Restoration by Means of Infill with Overburden and Inert Waste (Approved 10 December 2003)
- 2002/90705 – Variation of Conditions 1,5,13 and 14 (as per attached statement) on Previous Permission 90/06668 (Approved 10 December 2003)
- 2002/90706 – Variation of conditions 3,11,12,&13 (as per attached statement) on previous permission HO/77A (Approved 10 December 2013)
- 2013/93798 - Variation conditions 2, 3 and 31 and removal of condition 13 on previous permission 2002/90705 for variation of conditions 1, 5, 13, 14 on previous permission 90/06668 (Approved 24 June 2014)
- 2013/93799 - Variation conditions 2, 3 and 32 and removal of condition 14 on previous permission 2002/90706 for variation of conditions 3, 11, 12, 13 on previous permission HO/77/A (Approved 24 June 2014)
- 2013/93800 - Variation conditions 3, 4 and 34 and removal of condition 14 on previous permission 2002/90557 for extraction of sandstone, associated ancillary activities, restoration by means of infill with overburden and inert waste (Approved 24 June 2014)

2014/92209 - Formation of new access road (Approved 5 June 2015)

2015/90531 - Variation of condition 3 (schemes and plans) on previous permission 2013/93800 for variation conditions 3, 4 and 34 and removal of condition 14 on previous permission 2002/90557 for extraction of sandstone, associated ancillary activities, restoration by means of infill with overburden and inert waste. (Approved 5 June 2015)

2015/91994 - Discharge of condition 2. (layout and construction specification) on previous permission no. 2014/92209 for formation of new access road (Approved 20 July 2015)

- 4.3 Two further applications are on this agenda, one of which seeks to extend the quarry operations into an area of beyond the northern edge of the existing permissions and the other a Section 73 planning application to vary the working and phasing arrangements of the northern part of the existing quarries. These are listed as follows:

2019/92075 - The extension of mineral extraction and subsequent restoration by means of infill - **(Decision pending)**

2019/92617 - Variation of condition 3 (schemes and plans) on previous permission 2015/90531 for variation of condition 3 (schemes and plans) on previous permission 2013/93800 for variation conditions 3, 4 and 34 and removal of condition 14 on previous permission 2002/90557 for extraction of sandstone, associated ancillary activities, restoration by means of infill with overburden and inert waste - **(Decision pending)**

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Request for bird survey as advised by Biodiversity Officer/Natural England, additional plans showing direction of working and for restoration proposals to include biodiversity net gain on application no. 2019/92075 as well as this 2019/92617 and 2019/92618 applications.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is a Minerals Extraction Area (MES19) and also in part a safeguarded waste allocation (WS57) in the Kirklees Local Plan. The following local and national planning policies/documents are relevant in this instance.

Kirklees Local Plan (2019):

- LP10 – Supporting the rural economy
- LP21 – Highway safety and access
- LP27 – Flood Risk
- LP28 - Drainage
- LP36 – Proposals for mineral extraction

LP37 – Site restoration and aftercare
LP 43 – Waste management hierarchy
LP44 – New waste management facilities
LP46 – Waste disposal
LP 51 – Protection and improvement of local air quality
LP 52 - Protection and improvement of environmental quality

National Planning Policy Framework:

Chapter 6 - Building a Strong and Competitive Economy
Chapter 14 - Meeting the challenge of Climate Change, flooding and coastal change
Chapter 15 - Conserving and Enhancing the Natural Environment
Chapter 17 - Facilitating the Sustainable Use of Minerals

National Planning Policy for Waste

National Planning Practice guidance – Minerals
National Planning Practice guidance - Waste

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by the erection of site notices in the vicinity of the site and the posting of neighbour notification letters. No representations from the public have been received.

7.2 Local Ward Members were consulted but no comments have been received.

7.3 Holme Valley Parish Council – Noted the details of the application and request that regard be given to the impact on others in the vicinity (for example, the cricket club).

Response: the proposals to vary the previously approved working plans and restoration scheme in part, on active operational site is considered would not result any adverse impact on the surroundings or adjacent cricket club.

8.0 CONSULTATION RESPONSES:

KC DM Highways – support subject to conditions imposed on previous permission being repeated

The Environment Agency – No objections

8.2 Non-statutory:

KC Ecology – support subject to mitigation measures as set out in the submitted Preliminary Ecology Appraisal (PEA) being conditioned and securing a biodiversity net gain on site beyond reinstating it to agricultural land alone. This can be in the form of agreeing to a condition requiring a management plan of the restored agricultural land to target notable species (such as golden plovers) perhaps through a specified cutting/grazing regime etc

KC Environmental Health – No objections

KC Strategic Waste – “The site lies approximately 200m from landfill REF EA1467, we do not have any historical data on waste types of gas monitoring that may have been carried out. The Environment Agency may be able to offer further assistance in this matter”.

9.0 MAIN ISSUES

- Principle of development (background/history)
- Impact on amenity (residential & visual)
- Environmental impacts
- Highway issues
- Flood risk/water pollution issues
- Conditions
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

Background/history:

- 10.1 Hillhouse Edge Quarry has operated for over 100 years and produces a very high quality dimension stone which is used both locally and nationally in high profile building, restoration and civil projects. The site has its own processing sheds where stone is cut and shaped using sophisticated computer technology. Soils, overburden and stone rejects from the current extractive area have historically been used to partially backfill the worked out southern quarry. It has always been envisaged that the final restoration of the quarry will require the import of inert waste.
- 10.2 The site lies in the green belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to this are set out in paragraph no. 146 of the NPPF, provided they preserve its openness and do not conflict with the purpose of including land within it. The exceptions include mineral extraction and engineering operations. In this instance the principle of development has already been established as the site forms part of an operational quarry that has an extant planning permission to continue mineral extraction until 2028. Therefore, the principle consideration with regard to this proposal is whether the proposed changes to the previously approved restoration scheme are considered to be appropriate.
- 10.3 The current application essentially seeks a variation to the approved restoration scheme. This will involve a minor change in levels within the part of the site, shown as “Phase 2” on the submitted drawing no. 10172S/03 in the event that permission is granted for a further northward extension of the quarry under application no. 2019/92075.
- 10.4 In summary, subject to there being no significant conflict with the aforementioned Local Plan or National Planning Policy Framework, the proposed minor changes to the previously approved levels within this part of the site are considered to be acceptable in principle.

10.5 **Impact on amenity (residential & visual)**

10.6 As set out in the supporting statement:

“additional fill materials will become available in the event that planning permission is granted for an extension of the quarry in accordance with a planning application submitted in June 2019. This will enable restoration in the southern quarry to take place as shown on drawing 10172S/03. The extent and timing of the second phase of restoration shown on the drawing will be dependent on the quantity of overburden and reject materials which arise from the excavation.

The final stage of restoration cannot be completed until the saw sheds and other quarry infrastructure are moved away from their current positions in the central part of the Quarry. This will enable the restoration of the remaining Phase 3 area to close to original ground levels”.

10.7 The nearest residential properties are to the north and west of the site and approximately 40m and 80m respectively from the application site. The properties are at a much lower level (approximately 20m). The applicant resides at the nearest property to the north. This proposal does not involve changing the way mineral is extracted from the quarry just the order in which the mineral is to be extracted under application no. 2019/92617, from the different parts of the quarry. The proposals to vary the previously approved restoration scheme would result in no discernible difference to the way the quarry currently operates. Consequently, there will be no additional impact on the visual and residential amenity of the area subject to “Protection of amenity/ Dust & PD rights” conditions imposed on the 2013 permission being repeated.

10.8 The variation proposed would result in insignificant difference in levels, in comparison to the previously approved levels within a small area (phase 2) of the site as shown on drawing no. 10172S/03. This together with the completion of the site to be returned back to agricultural use, to be completed within the same timeframe as the previous permissions would ensure the visual amenity of the area is not unduly compromised.

10.9 **Environmental impacts**

As the site is an operational quarry it is considered that the site has very little ecological value in its current condition. Whilst it is considered that this proposal would have no significant impact on local ecological systems, the suggested condition by the Biodiversity Officer, requiring a management plan of the restored agricultural land to target notable species (such as golden plovers) is necessary for the future ecological value of the site as a whole. The proposals would accord with Policies LP30 and LP37 of the Kirklees Local Plan and guidance in the NPPF.

10.10 **Highway issues**

10.11 The application site is already served by a purpose built access which has served this site and the previous quarrying operations for many years. The existing quarry access arrangements from Cartworth Moor Road are unchanged by these proposals. The number of HGVs vehicle movements is not anticipated to increase as a consequence of these proposal and will be limited to 8 per day as per the extant permission Highways Development Management raise no objection to these proposals on the proviso conditions imposed on the 2013 permission are again repeated.

10.12 **Flood risk/Water pollution issues**

10.13 As the proposals relate to a technical adjustment to part of the previously approved restoration scheme, the change is considered relatively minor in scale and reflects the availability of restoration materials in the event that planning permission is granted for the further northern extension of the quarry under application no. 2019/92075.

10.14 The supporting statement at paragraph no. 1.6 sets out the outcome of surface water and flood risk matters on previous applications. Subject to the inclusion of conditions imposed on the 2013 permission, where still relevant, will ensure that measures are in place for the management of surface water and to protect ground water regimes from pollution.

10.15 In summary, the proposals to vary the scheme of working is unlikely to have any adverse impact on flood risk or water pollution matters.

10.16 **Conditions**

10.17 Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the existing planning conditions and update, revise, add to or delete redundant conditions as part of the assessment of the planning application. Since the granting of planning permission 2013/93798 a number of conditions may have been discharged, not necessary and or become redundant. The conditions attached to this permission will need to be drafted to reflect this and taking into account the details submitted accompanying this application.

10.18 **Representations**

10.19 None received

11.0 **Conclusion**

11.1 The proposed changes to the restoration scheme, in part, would not have any significant impact on the way the quarry operates and it is considered that it would not detrimentally affect local amenity or the local environment. The quarry provides employment at the adjacent quarry and this proposal would help to safeguard those jobs and secure investment within the local economy.

- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Requirement to have all approved documents on site for the duration of operations
2. Time limit - mineral extraction to cease and site to be restored by 31/12/2028
3. Working & restoration to be carried out in accordance with submitted plans
4. Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction ceases
5. Access and egress shall be from existing quarry access
6. All commercial vehicles leaving site shall have their wheels and chassis cleaned to prevent material being deposited on the highway
7. The total number of vehicle movements, including access to and egress from the site shall not exceed 8 in any one day.
8. All loaded vehicles leaving the site to be sheeted
9. Existing signage advising drivers shall be maintained in good order and continue to be displayed
10. Current quarry access which adjoins Cartworth Moor Road shall be maintained in good order
11. Depth of working in accordance with approved drawing no. C6299/3, 'Maximum Excavation Plan'
12. Working programme, phasing and direction of working in accordance with submitted plans
13. Water protection and pollution prevention conditions as per 2013 permission
14. No more than 5, 000 tonnes of aggregate and/or walling stone produced at the quarry shall be exported from the said quarry per calendar year.
15. A strip of land having a minimum width of 3 metres shall remain unworked inside the dry stone walls on the boundary of the site
16. No waste, mineral or soils shall be stockpiled nor fixed plant located above the original level of the ground.
17. There shall be no screening or crushing or any other processing of rock in the quarry area indicated by a solid red line on drawing no. C6299/2b.
18. Soil stripping/replacement & movement of topsoil /subsoil conditions from 2013 permission (where relevant)
19. Restoration details to be submitted in accordance with details to be approved (i.e soft landscaping, removal of plant, buildings, structures, machinery, and haul roads, land drainage)
20. Soil replacement during restoration
21. Protection of amenity
22. Dust suppression measures

23. Withdrawal of Permitted Development Rights
24. A management plan of the restored agricultural land to target notable species
25. Aftercare scheme for 5 years
26. Requirement to provide an outline aftercare scheme, a detailed annual aftercare scheme & requirement to arrange an annual aftercare meeting
27. The Mineral Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site

Background Papers:

Application and history files: as set out above in report

Website link to be inserted here:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92618>

Certificate of Ownership –Certificate A signed 02/08/2019