
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2023

Subject: Planning Application 2022/93230 Deepen and extend Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by infill with construction, demolition and excavation wastes; and recycle imported construction demolition and excavation wastes Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth, HD9 2RL

**APPLICANT
S HUNTER, WINDY
RIDGE RECYCLING
LTD**

**DATE VALID
19-OCT-2022**

**TARGET DATE
18-JAN-2023**

**EXTENSION EXPIRY DATE
31-MAR-2023**

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: REFUSAL

1. The proposals through the construction of a new access road will result in the encroachment of urban development into the countryside. This together with its use as proposed would constitute inappropriate development failing to preserve the openness of the green belt and would conflict with the purpose of including the land within the green belt. Very special circumstances (which clearly outweigh this inappropriateness and other harm) has not been sufficiently demonstrated. The proposal is therefore contrary to policies LP32 and LP36, Part 2 (a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. The proposals will result in an intensified use in HGV movements on the surrounding highway network including Cartworth Moor Road. Consequently, this will result in the further structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements. Cartworth Moor Road in part forms a core walking and cycling network. The intensified HGV's movements is likely to result in significant highway safety concerns from conflicts between HGV and other road users including vehicular, equestrian, cyclists and pedestrians, failing to safeguard and undermine the safety of all other users. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 Part 2 (points c, d and f).

3. The carrying out of the proposals will result in unacceptable noise nuisance to the occupants of the nearest noise sensitive receptor known as Moorfield Farm. It has not sufficiently been demonstrated how the detrimental impact from noise nuisance on the occupiers of Moorfield Farm can be mitigated against adequately. The proposals as such fail to comply with Kirklees Local Plan Policies LP36, Part 2(c) and LP52 and guidance in the National Planning Policy Framework

4. The submitted information fails to demonstrate sufficiently how the proposals would avoid causing potential detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the application site, to accord with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is submitted in full to deepen and extend existing operational Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by infill with construction, demolition and excavation wastes; and recycle imported construction demolition and excavation wastes.

- 1.2 The application is brought to Strategic Planning Committee (SPC) for determination, in accordance with the delegation agreement, as the proposals will result in an extension to an existing operational mineral quarry, in excess of 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

- 2.1 Windy Ridge Quarry is situated on the western edge of Cartworth Moor, approximately one kilometre to the south west of Holmfirth. The Quarry lies at the top of the eastern slope of the River Holme Valley, between 330 and 346 metres above ordnance datum (AOD). The Quarry is currently accessed via a bridleway HOL/94/10 which adjoins Cartworth Moor Road, 520 metres to the south of its junction with Gill Lane/Cartworth Bank Road. There are a number of other quarries in the vicinity, of which two are currently operational; Hillhouse Edge Quarry, which lies immediately to the north of this site and has seen significant restoration in its southern sector in recent years, and Woodhouse Quarry down slope to the west.
- 2.2 Public Right of Way (PROW) HOL/94/10, which is a bridleway, bounds the site to the west and north as it progresses from Whitegate Road to its junction with Cartworth Moor Road
- 2.3 The application red line includes within it a former landfilled area which forms part of the existing operational quarry and a previously restored part of the landfill quarry area which does not form part of the existing operational quarry. The proposals under the current application include works to both these areas and have been carried out in retrospect. See paragraph 3.1 bullet points 4 and 5, below.
- 2.4 The closest independent dwelling/farmstead is approximately 60 metres from the application south east boundary. This is known Moorfield House. There are other dwellings farmsteads approximately 137 metres from the site boundary.

3.0 PROPOSAL:

- 3.1 This application is for minerals and waste operations followed by restoration works at Windy Ridge Quarry, Cartworth Moor Road, Cartworth Moor, Holmfirth. The proposals also seek to recycle imported construction demolition and excavation wastes.

In brief the proposals will consist of:

- deepening the existing quarry by approximately 10 meters and extending it onto 1.75ha of agricultural land to the south-west of the existing operation, (total depth approx. 26m)
- closing the existing access to quarry traffic, following the completion of the proposed new access onto Cartworth Moor Road, after 24 months from permission being granted
- increasing the number of HGV movements permitted per day from 16 to 30 (15 in and 15 out),
- excavation of a former landfill to recover recyclable materials (retrospective),
- temporarily storing material that cannot be recycled from previous landfill area (4m high mounds) on part of the previously restored quarry area

(retrospective). This is proposed to be grassed in winter 2022/3 and removed by December 2024. Not yet grassed.

- restoring the site by infill with construction, demolition and excavation wastes,
- recycling imported construction, demolition and excavation wastes through the use of crushing and screening plant, and
- placement of 3m (top and sub soil) high bunds along the southern and eastern perimeter of the proposed extension part of the site.
- Extraction of the stone reserve expected to take approximately 12 years, with backfill completed within an additional 10 years. Final restoration to be achieved after 23 years by 2044.

3.2 Full details of the proposals are set out in the assessment below.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The site produces a mixture of blockstone, walling stone and aggregates and currently operates under an extant planning permission which allows continuation of mineral working and subsequent landfill to restore the site.

4.2 The following planning applications are considered relevant to this proposal:

HO/4320 – for “Permission to Continue Stone Quarrying was approved on 20 May 1964

79/05800 – for “Quarrying Stone Extraction” was approved 22 January 1981

91/00024 – for “Quarrying - stone extraction” was approved 9 September 1994

94/91020 – for “Use of land as a skip hire depot” was refused 12 August 1994

94/91802 – for “Variation of condition 3 relating to backfill of worked out quarry on previous planning permission (HO/4320) for continuation of quarrying of stone” - approved 7 May 1996

2002/91421 – for “Variation of condition 2 on previous permission 91/62/00024/W0 to permit the continuation of mineral extraction and landfill Until 31 December 2026” - approved 13 March 2003. However, this permission was time restricted by planning condition until 31 March 2013.

2002/91422 – for “extraction of sandstone, associated ancillary activities and restoration by means of infill with overburden and inert waste” - approved on 28 March 2003

2012/93305 - Continue the extraction of sandstone and deepen the quarry to 323m AOD to restore the quarry to agricultural use by means of infill and to recycle construction, demolition and excavation waste – granted in March 2013. Mineral extraction to cease and the site to be restored in accordance with approved plan 8973/04 and details to be agreed as set out in condition 21 of the permission by 31st March 2028. - Appeal upheld in March 2014 to omit condition no. 4 and reword condition nos. 7 and 8 to refer to Heavy Goods Vehicles.

2020/92410 - Variation conditions 7 and 8 on previous permission 2012/93305 to continue the extraction of sandstone and deepen the quarry to 323m AOD to restore the quarry to agricultural use by means of infill and to recycle construction, demolition and excavation waste – granted 05 January 2021

Enforcement- Breach of condition notices sent 20/02/2023 (in relation to conditions 5, 6, 9, 12, and 28 of planning permission 2020/92410

(5) All commercial vehicles leaving the application site shall have their wheels and chassis cleaned before they enter the public highway.

(6) The total number of heavy good vehicles (HGV's) to and from the site shall not exceed 16 per day (8 in and 8 out).

(9) All loaded Heavy Goods Vehicles leaving the site shall have their loads sheeted.

(12) No waste, mineral or soils shall be stockpiled nor plant located above the original level of the ground.

(28) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times 0800 hours and 1730 Monday to Friday; and 0800 hours and 1230 Saturdays;

(b) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or Bank or National Holidays.

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

- Officers request to change description to refer to works already carried out as being retrospective -07/11/22
- Request for additional information - phasing plans of both restoration proposals and extraction showing how the excavation will progress into the extension area 11/11/22
- Request for restoration plan to show full removal of proposed access and reinstatement of dry stone wall -16/11/22
- Revised supporting statement to reflect accurately what is proposed and to include details of phasing for restoration of the site- 24/11/22
- Extension of time on application 05/12/22
- Response to Environmental Health comments – 30/01/23
- Seeking agreement for biodiversity net gain should application be supported -10/02/23

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 lies in the Green Belt. Excluding the proposed extension area, the existing established operational quarry largely forms part of an allocated mineral extraction area and is also a waste safeguarded disposal site in the adopted Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

- LP21 – Highways and access
- LP23 – Core walking and cycling network
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP34 – Conserving and enhancing water environment
- LP36 – Proposals for mineral extraction
- LP37 – Site restoration and aftercare
- LP43 – Waste management hierarchy
- LP44 – New waste management sites
- LP45 – Safeguarding waste management facilities
- LP46 – Waste disposal
- LP51 – Protection and improvement of air quality
- LP52 – Protection and improvement of environmental quality

6.4 Supplementary Planning Guidance / Documents:

National Planning Policy for Waste 2014

6.5 National Planning Guidance:

- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting Healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11- making effective use of land
- Chapter 13 - Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of minerals

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was publicised by the erection of 2 site notices in the vicinity of the site and the posting of 15 neighbour notification letters. 27 representations are received from the public, the concerns of which are summarised below:

Impact on Green Belt:

- Proposals will cause detrimental effect on green belt
- The site should not be turned into an industrial waste disposal plant in a pleasant moorland green belt area.
- The detrimental effect on the area is continuing

Impact on environment:

- Runoff of sand onto surrounding highway network ending up in river Ribble & blocking road drains and potential for flooding damage to private properties
- Blocking of and contamination of private water supply
- *“threat to the water table, aquifers / aquicludes and water courses, including residential drinking (potable) water supplies”*

- *“The spring water flow rate has decreased, and no recent chemical and biological tests have been carried out. The water quality information provided in the Supporting Statement is out of date by a decade.”*
- Quarry excavations should not be permitted to go deeper *“we have noticed sandy silt coming through the pipes when it started to run again. The flow of water is still very slow and has nearly run of again”*
- Water supply to existing springs dried up as a result of on going works at the application site and damaged caused to springs
- Dust creation from operations and movement of HGV’s will impact on air quality in the area
- On-going light, noise nuisance and vibrations can be felt causing detrimental impact on local inhabitants
- Stockpiles can be seen from distant views & processing plant equipment often located above original ground levels
- The road and surface destruction at the quarry, without a suitable drainage system has led to a change in the surface water drainage in the local area.
- Following heavy rainfall there is a river of stone coloured water with the appearance suggestive of oil or diesel contamination that originates from the quarry junction that runs down from Cartworth Moor Road and onto Cartworth Bank Road.

Impact on highway and safety concerns:

- Significant highway safety concerns from proposed increase in HGV movement on pedestrians, cyclists and equestrians as well as other vehicle users on Cartworth Moor Road, (which is in part a core cycling and walking route) and the surrounding highways network
- Since current site operator took over site, roads showing signs of erosion where track/bridleway meets Whitegate Road, due to HGV driving over edges/grass verges to pass
- Road edge has sunk, broken up and crumbled in some places
Concerns relating to *“HGV’s speeding and recklessly driven HGV’s accessing the quarry”* frequently, in excess of the current permitted numbers outside permitted hours
- Claims are made that there has been up to 100+HGV movements on one day recently and that the additional passing places proposed are to accommodate this level of HGV movement
- HGV movement should not be increased due to conflict concerns between non motorised users and HGV’s
- Very dangerous to walkers, bikers and equestrians around Cartworth Moor with the amount of HGV’s movement & mud/sludge in wet weather conditions with brick debris too
- The increased activity of HGVs along this route is at odds with point B6 of the 2025 Kirklees Transport vision:
- Locals using the roads been forced off the road and into the verge by drivers of HGV
- HGV ‘s witnessed using the route past Holmfirth JIN School which is equally unsuitable.
- No kerbs on CMR and surrounding highways to prevent further damage and erosion
- A blatant disregard for public rights of way and public safety in relation to the destruction of bridleway

- Whitegate Road, Bare Bones Road and Linshaw Road is part of a national cycle route which is damaged due to recent influx of HGV's movements
- The unsurfaced section of Cartworth Moor Road and nearby roads suffers badly from erosion in wet conditions, which will get worse due to proposals
- Increasing HGV movement will exacerbate the above concerns
- Parked vehicles daily block access to bridleway HOL/94/10 and at times restrict access to Weatherhill Lane and Copthurst Road
- Parking of wheel washer on bridleway making it almost unusable for walkers, cyclists and equestrians

Other concerns:

- Unauthorised excavation of bridleway
- Unauthorised works have been carried out, for which retrospective planning permission is now sought through this application
- Current operations on site are beyond permitted boundary
- *“change of use of the site from commercial extraction of rock / stone products to an acceptor of huge volumes of commercial waste, claimed to be inert in the planning application but there will be little to no oversight of this by council / other compliance parties – rather than fill a void with potentially dangerous detritus from a myriad of unknown and potentially contaminated sources”*
- *“How will the increase in HGV's movements be monitored?”*
- impact on the immediate environment, including habitats, soil depth, biodiversity, protected birds soil pollution with hydrocarbons
- inaccuracies/discrepancies and out of date information in the submitted Hydrogeological assessment, the validity of which is undermined and questioned.
- Breach of planning conditions in relation to existing planning permission including working as late as 21:00hrs Saturday afternoons and all day Sunday and parking restrictions of HGV not being adhered to
- already breached the permitted depth at the northern edge of the quarry, and has reopened a previously restored part of the quarry on the southern side without planning permission
- The accompanying Transport Assessment *“notes nothing about increased risk to non-vehicular road users”*
- No mention of any restoration of the damage to the bridleway, grass verges, drystone wall footings exposed and damage to surrounding highway network
- There should be no extraction of mineral 21m below ground level as permission on adjacent quarry
- There is no security procedure in the proposal to ensure that the imported waste will not be contaminated
- There is no regard to conditions on the current planning permissions for the site
- *“Quarry excavations already appear to have gone deeper without permission which is effecting private water supplies and polluting the streams and farm water supply ”*
- Deeper excavation will impact on water table/aquifer
- Monitoring of site/ operations should be carried out
- Potential for depositing non inert waste

- Non quarry vehicles parked at site, “suggesting other business operated from site”
- According to the Supporting Statement (3.17) the backfill will not be completed until 2044 and the site will continue to be an industrial treatment plant long after all the stone has been extracted in 2034.(3.11)

None planning related concerns:

- Operations involve requiring appropriate Environmental Permits
- Breaking of national speed limit on CMR and surrounding highways
- productivity of a business should not be considered over the impact on direct effects of mental and physical wellbeing and quality of life of local residents.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC DM Highways – Support subject to conditions and a S106 Legal Agreement to include:

Highway Works:

➤ Reconstruction of the unsealed “maintained in character” only section of Cartworth Moor Road (a length of approximately 980m) to specification agreed in writing by the Highway Authority. The agreed scheme of works shall be implemented in full prior to commencement of the development.

Section 106:

➤ Annual maintenance fee of £25,000 per annum for the maintenance of White Gate Road, Linshaws Road and Bare Bones Road.

➤ Annual maintenance fee of (to be confirmed) for the inspection and maintenance Cartworth Moor Road (see assessment below)

KC Local Lead Flood Authority (LLFA) – no objections

The Environment Agency – No objections. Advisory notes for the applicant that proposals are likely to require Environmental Permit/s

8.2 Non-statutory:

KC Public Rights of Way (PROW) – Object to the proposals (see assessment below)

KC Ecology – support subject to provision of Biodiversity Net Gain (see assessment below) and provided no objections from Natural England

KC Environmental Health – Request for additional information and highlighting discrepancies within the Hydrogeological Assessment in relation to independent properties being fed by private water supplies.

British Horse Society – Objects to the proposals

9.0 MAIN ISSUES

- Background and proposed scheme of works
- Principle of development
- Green belt/landscape issues
- Site restoration and safeguarded waste
- Environmental issues (ecology)
- Local amenity issues (noise, dust and air quality)
- Drainage/flood risk & water pollution issues
- Highway/ PROW issues
- Representations
- Conclusion

10.0 APPRAISAL

Background and proposed scheme of works:

- 10.1 The Planning Application covers an area of 4.31 ha, including the 1.9 ha of permission 2020/92410. The permitted activity at this site is lawful by virtue of permissions 2012/93305 and 2020/92410 respectively; continued extraction of sandstone, deepening of quarry, recycling of construction, demolition and excavation waste and restoration to agriculture by means of infill (2012) and variation of conditions to permit 16 HGV movements (8 in and 8 out) per day (2020). Mineral extraction to cease and the site to be restored by 31st March 2028.
- 10.2 The 2012 permission allowed a vertical extension to extract a known valuable mineral resource and extend the operational life for a further 15 years to 2028.
- 10.3 The sandstone worked at Windy Ridge Quarry is the Huddersfield White Rock, one of the primary sources of high quality masonry stone in West Yorkshire. The supporting information states:
- “at Cartworth Moor, the White Rock is approximately 26 metres thick and consists of a succession of alternating layers of shale, sandy shale and flagstone. The most important horizon is a 5 metre thick bed of fine-grained, grey, massive sandstone, which can be described as “Hard York Sandstone”, and lies towards the base of the White Rock. It is this bed that provides the high quality masonry stone that can be sawn to create building and architectural products”.*
- 10.4 The operator now seeks to deepen the quarry by a further 10m to 313m AOD to provide access to the "Hard York Sandstone", and to extend the working area to the south. This will enable the Quarry to continue to produce block stone in addition to walling stone, garden stone and aggregate. The proposals also seek retrospective permission for the removal and recycling of the contents of the former landfill, to enable the stone reserves below to be recovered.

10.5 Information provided with the application states:

“ The permitted reserve of stone remaining in the Quarry is small and the additional 10m depth would release an additional 100,000m³, including the stone underneath the closed landfill. At 2.3 tonnes/m³ and assuming 20% wastage, this would yield approximately 184,000 tonnes of saleable stone. The southern extension would add a further 214,800m³ which on the same basis would bring the reserve up to 580,000 tonnes. The 20% rejects at 63,000m³ would be backfilled into worked out areas of the Quarry.

Previous sales of walling and garden stone products averaged 1,350 tonnes Per annum and aggregate sales have averaged 2,650 tonnes per annum. However, the increase in HGV movements sought would allow the applicant to increase production to 50,000 tonnes per annum The sandstone reserve, if the planning application was to be approved, would provide sufficient stone for around 11.6 years”.

10.6 Of note, is that the assertion that any infill cannot be put into the Quarry until sufficient working space is available within worked out areas, and it is unlikely that any significant fill capacity will be available for at least the next five years. Meaning backfilling will commence after five years. The anticipated total backfill volume is given to be approximately 415,000m³. This current proposal would extend the operational life of the existing operational quarry and proposed extension area for a further 16 years to 2044.

10.7 Paragraph 4.3 of the supporting statement refers to the retrospective part of the proposals which states:

“Excavation of the landfill has begun together with its treatment by screening and crushing to manufacture a recycled aggregate and soils. The materials within the landfill that cannot be recycled have been temporarily stockpiled above ground on the restored surface of the landfill to the south of the existing quarry. The stockpile is 4m in height and will be grassed during winter 2022/3.”

The stock piles do not appear to have been grassed as yet.

10.8 Drawings 10193A/03 P1, 10193A/03 P2 and 10193A/03 P3 illustrate the method of working within three phases, commencing in Phase 1 with excavation beginning to move southward into the extension area and infill in the NW corner. As infill progresses to the extent where the new access road is to be formed with a ramp down onto the quarry floor, the use of the existing access road is proposed to be ceased. The Bridleway is then proposed to be reinstated to a design to be agreed with the Planning Authority. Phase 2 will see the infill to close to original ground levels at the northern end of the quarry as excavation proceeds southward. Phase 3 sees the restoration of the completed infill progressing further in a southward direction with extraction reaching its maximum extent, together with the relocation of the access ramp onto the quarry floor. The final phase would be the complete infill of the quarry as shown on drawing 10193A/04,

Principle of development

- 10.9 Section 17 of the NPPF (Facilitating the sustainable use of minerals) indicates that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and the goods that the country needs. It also indicates that as 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.
- 10.10 Paragraph 211 of the NPPF requires that great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and when dealing with small scale building stone quarries, MPA's should adopt a flexible approach with regard to the duration of planning permissions which recognises the intermittent or low rates of working typically characterised by such sites.
- 10.11 The impact of the proposals on the amenity of the area is considered further in the assessment with reference to Local Plan policy LP36, however with regards to the principle of mineral extraction paragraph 15.7 of the Kirklees Local Plan states that the blockstone (in the case of this site Huddersfield White Rock) produced in the western side of Kirklees represents high quality building stone which is in demand across the UK for a range of building projects. The applicant states that this quarry is an important source of high-quality masonry stone in West Yorkshire and is in much demand for repairs to existing buildings and for new build in the vernacular style. The supporting statement paragraph 8.42 also states that the demand for scarce minerals of the type found at this quarry is in high demand therefore, the proposed operations would make a positive contribution to meeting this demand.
- 10.12 The preamble to LP36 requires that Kirklees will seek to maintain a landbank of permitted reserves of aggregates and also seek to maintain its contribution to meeting its share of the aggregates demand in the region on the advice of the Yorkshire and Humber Aggregates Working Party, unless exceptional circumstances prevail. Whilst the mineral resources extracted from the quarry will primarily be used for masonry, walling and gardens, some of the mineral resources will only be suitable for use as aggregate and will be extracted for such purposes. Therefore, this site will be making a contribution towards the crushed rock landbank.
- 10.13 The application site is located close to existing operational quarries, the stone quarried here is of high-quality and great weight should be afforded to minerals extraction especially this type of stone. In addition, the production of aggregates will assist in maintaining the landbank. Consequently, it is considered that the development of the site for mineral extraction is acceptable in principle subject to there being no significant conflict with local or national planning policy guidance/advice.

Green Belt/landscape issues

- 10.14 NPPF paragraph 150 states that certain forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include criterion a) mineral extraction, criterion b) engineering operations and criterion e) material changes in the use of land. Criterion e) material change in the use of land would in this instance facilitate the quarry operation on the extended part of the site and will be considered on that basis.
- 10.15 As mineral extraction may not be inappropriate provided openness is preserved and there is no conflict with the purposes of including land in the green belt, it must follow that the operations necessary for the extraction of the mineral, including despoiling of the site, noise, disturbance, machinery and other paraphernalia must also be not inappropriate. It is not therefore proposed to comment on the operations already permitted at this site or the operation necessary to extract mineral from the extended part of the site. This includes the site cabin proposed to be relocated into the area of the extended quarry operations. The same applies to any engineering operations considered necessary to the existing lawful operation and any new operation deemed to comprise mineral extraction and other activity including reclamation and restoration across the whole of the application site. These comments are therefore confined to those aspects which it is necessary to consider in the overall balance of the proposal in terms of impact on openness and any conflict with the purposes of including land in the green belt.
- 10.16 With regard to the change of use of the agricultural land to extend the quarry, the land currently comprises two fields used for pasture to the south-west of the existing quarry, on an area of approximately 1.75 ha, roughly equal to the size of the existing quarry. This area of Cartworth Moor is high ground and due to the existing local topography is not highly visible in short distance views although it is visible from long distances. These fields form part of a very extensive area of upland rough pasture and moorland where the impact of the loss of the fields will be negligible to overall character. The fields will ultimately be restored to agricultural use and therefore the impact is also temporary, albeit for a further 16 years to 2044. The two fields will be an extension of an existing operational quarry and so is not a new isolated feature in the landscape, and the wider area contains other modest scale quarrying operations. With respect to Local Plan policy LP36, Part 1(d), the proposals to commence restorations in the existing part of the operational quarry, as works extend to extract mineral in the extension area would reduce the cumulative impact of active operations in the area.
- 10.17 Also included in the proposal is the temporary storage of soils on restored land (within the boundary of the former permission 2002/91420). This is located on the extreme west of the site on land that is not part of the managed pasture but on the western facing slope/escarpment above White Gate Road. This is proposed for a period up to the end of 2024 and is retrospective. This stored soil is visible in short and longer distance views as it has extended onto the escarpment and is stored in mounds. It also foreshortens long distance views across the site. The stockpiling is proposed to be retained until the end of 2024.

- 10.18 Bunds are proposed to be located along the whole of the southern and eastern edges of the extended site which are to be in place for the operational life of the quarry. These bunds are to be formed of excavation material (top and sub soil) and are proposed to be 3m in height. Bunds can significantly impact on openness as they are highly visible in the landscape and also foreshorten views. It is likely that extensive views across the site to the opposite hillside will be lost. However, they are an expected part of normal mineral extraction operations as they are a means of storing extracted material on-site. They will also screen the quarry operations from view, help to lessen noise and mitigate detrimental impacts, particularly residential and visual amenity. This is important as the extension of the quarry brings it into very close proximity to the dwelling Moorfield House. Without the bunds it is likely that there would be material harm caused to the amenity of the occupiers of Moorfield House. Any impact on openness will also be temporary as they will be removed through site restoration.
- 10.19 The existing quarry takes its access from a track from Cartworth Moor Road (CMR) which also gives access to the farm (both New Dunsley poultry farm and Quarryside farm have addresses immediately north of the access track). The track is also a public right of way and a bridleway. There are 16 permitted HGV movements per day (8 in and 8 out) under the current permission. The proposals are to close the existing access to quarry traffic after the complete construction of the proposed new access road, across the field between Cartworth Moor Road and the quarry extension and increase the number of HGV movements to 30 per day. This proposed new road would accommodate the width of two HGVs at its junction with CMR (7.3m) with the requisite visibility splays and be 4.1m wide along its length except for the passing place which would be 6m wide. It would be surfaced with plantings within 12 months of construction. There are also two new passing places proposed on CMR south of the quarry beyond the junction with Copthurst Road. There are two existing passing places on CMR in the vicinity of the site.
- 10.20 The proposed new access road constitutes an engineering operation in the green belt. The construction of a new road across open agricultural land in the field immediately adjacent to CMR would have a significant impact on the openness of the green belt through both the presence of the road and the use of the road by quarry traffic, which would significantly and materially increase noise and disturbance in this part of the green belt resulting in a very significant degree of harm. The road and its attendant vehicles would be very obtrusive to anyone using CMR or nearby PROW's of which there are a significant number in the vicinity. The presence of the access road including its junction with CMR would result in the encroachment of urban development into the countryside. This part of the proposed scheme is considered to constitute inappropriate development as it fails to preserve openness and is contrary to the purposes of including land in the green belt.
- 10.21 Inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Harm to the green belt by reason of inappropriateness carries substantial weight. It is therefore necessary to determine whether the degree of harm to the green belt is clearly outweighed by other considerations.

- 10.22 The quarry operation and its permitted traffic already impact on the openness of the green belt. The impact from the existing access is lessened somewhat though by its location immediately adjacent to substantial farm buildings, while the proposed new road is isolated between fields making it prominent and incongruous in the landscape. The movement of traffic along it will be highly visible and a disturbance in the open landscape. The degree of harm to the openness and character of the green belt for the lifetime of the quarry is therefore substantial.
- 10.23 Further harm is caused by the presence of the stockpiled material and the proposed bunds and inevitably from the mineral operation which is proposed to be extended to 2044. There is also potential damage to CMR and harm to its character, (discussed in more detail below) from increased HGV movement and proposed additional passing places, although passing places can be found on rural roads and only two are proposed.
- 10.24 Balanced against this degree of harm is the temporary nature of the development, albeit for a further 16 years. The stockpiles are temporary for 2 years and the soil bunds are considered a normal part of an operational quarry if there is no capacity to store elsewhere on site, as in this instance due to limited space within the quarry site. The bunds also screen the operations from view and lessen noise which is particularly important given the proximity of residential property.
- 10.25 NPPF paragraph 209 states that it is essential that there is a sufficient supply of minerals to meet needs. Minerals can only be worked where they are found. Paragraph 211 states that when determining planning applications great weight should be given to the benefits of minerals extraction, including at criteria f) the extraction of building stone needed for the repair of heritage assets.
- 10.26 In order for very special circumstances to be demonstrated, the overall benefit of extracting this stone must outweigh the harm caused to the green belt in this location.
- 10.27 The applicant has stated that the blockstone (Huddersfield White Rock) produced at Windy Ridge quarry is an important source of high-quality masonry stone and is in much demand for repairs to existing buildings and for new build in the vernacular style. The applicant's very special circumstances are that any harm to the openness of the Green Belt resulting from the proposal, is clearly outweighed by other considerations including meeting the demand for scarce minerals of the type found at this Quarry and that the new access road is proposed in order to eliminate conflict between quarry traffic and the users of the bridleway and footpath.
- 10.28 The demand for a scarce mineral is recognised, however, no information is received to substantiate that there is currently an unmet need for the demand and supply of this mineral, particularly for the repair of heritage assets as set out in Paragraph 211 of the NPPF and the Kirklees Local Plan. With regard to eliminating conflict between the HGV movements in association with the existing quarry and users of the bridleway/footpath, this could be accommodated in a less intrusive location than that proposed and particularly without the need for the proposed extension to the existing quarry. The proposal is by definition, inappropriate development in the green belt, and no very special circumstances, which clearly outweigh this inappropriateness and other harm have been sufficiently demonstrated. The proposal is therefore contrary to Kirklees Local Plan Policies LP32 and LP36, Part 2 (a) and guidance in the National Planning Policy Framework.

Site restoration and safeguarded waste

- 10.29 The final restoration of the site to agricultural use and moorland will require the import of inert waste, in addition to initially using waste and reject stone from the existing quarry. This is recognised in the existing planning permissions which allow the import of inert waste to help facilitate site restoration.
- 10.30 Recyclable materials will be removed from the imported wastes and processed through a crusher and screens to manufacture secondary aggregate and soils for sale. The remaining materials will be processed as required to manufacture a civil engineering fill and used to backfill the excavation.
- 10.31 Appendix A of the National Planning Policy for Waste contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used in the final restoration of the site rather than simply being disposed of.
- 10.32 It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance and Kirklees Local Plan policy LP43, which supports the minimisation of waste production and the re-use and recovery of waste materials.
- 10.33 The existing Windy Ridge Quarry is an allocated Safeguarded Waste Site, it is proposed that waste operations will continue on this site throughout the extraction and restoration phases of the proposed scheme, consistent with the requirements of Policy LP45 for safeguarding waste management facilities.

Environmental issues (ecology)

- 10.34 Whilst the site is not located within a specific designated environmentally sensitive area, it is close to the South Pennine Moor Special Protection Area (SPA). The proposals include a proportion of allocation MPA3 (formerly known as allocation ME1966). This site was included in the Kirklees Local Plan Habitats Regulation Assessment (HRA) Report, which concluded a low residual risk of impacts to habitats functionally connected to the SPAs. As a result the following text was agreed with Natural England to be included within the supporting text for policy LP30.
- 10.35 In accordance with the findings of the Habitats Regulations Assessment (HRA) for those development allocations within 2.5km of the SPA, further surveys will be required at planning application stage to assess detailed impacts on SPA birds and, if found to be necessary, appropriate avoidance and/or mitigation measures will be required to address any identified impacts in line with policy LP30. Suitable avoidance and mitigation measures may include:
- Avoidance of areas used by significant numbers of SPA birds (to be determined by a project level Habitats Regulations Assessment).
 - Provision of equivalent or greater quantity and quality of replacement habitat onsite (or as a last resort off site within 2.5km) with improved management to ensure use by SPA birds.

- Timing of works (construction, operation and decommissioning) outside the period most frequently used by SPA birds.
 - Monitoring of impacts to assess bird use over time.
- 10.36 A Preliminary Ecological Appraisal (PEA) has been submitted with the application. In addition to the PEA, a Habitat Regulations Assessment (HRA) has been submitted and in combination with the PEA, provides a comprehensive assessment on the ecological value of the site. The PEA makes recommendations for mitigative measures to avoid ecological impacts.
- 10.37 The Preliminary Ecological Appraisal report concluded that given the proximity to the South Pennine Moors (phase 1) SPA and that the site contains habitat which may be of limited potential value to nocturnal foraging Golden Plover (a designating feature of the SPA), that further survey and assessment work is recommended to quantify the use of the site by Golden Plover and to allow a project level Habitat Regulations Assessment to be prepared. The submitted HRA provided information on extensive Golden Plover surveys, concluding that the habitats within the application site, are not used by foraging Golden Plover, linked to the South Pennines SPA breeding population and that the site would not be considered functionally linked to the SPA.
- 10.38 Given the potential for the proposals to bring about an impact on a Natura 2000 European designated site, a HRA stage 2 'Appropriate Assessment' was undertaken based on the results of the ornithological survey and HRA Appropriate Assessment report, which concluded the proposals to have no likely adverse effects on the South Pennine Moors SPA. As the Habitat Regulations Assessment was progressed to an Appropriate Assessment, and due to the site's inclusion within Natural England's SSSI Impact Risk Zone, formal consultation with Natural England has been undertaken on the proposals, with comments from them to be reviewed. Subject to Natural England concurring with the conclusions of the reports and raising no objections, the Council's Ecology Officers advise is that mitigative measures recommended within the PEA be applied including the protection for nesting birds during work on the site, as described within Section 7.7 of the submitted PEA. This matter can be addressed by conditions, to accord with Local Plan Policies LP30 and LP37, should the application be supported by Members.
- 10.39 In addition to the above, any restoration proposals should provide a biodiversity net gain and it is recommended that utilisation of the DEFRA most up to date Biodiversity Net Gain (BNG) Metric should occur, in order to achieve a minimum of 10% net gain. The submission documents/plans make no reference to inclusion of biodiversity net gain. In the event the proposals are supported by Members, this matter will need to be addressed. The applicant is agreeable to the submission of a revised restoration scheme along with BNG metric calculation which would demonstrate and provide a 10% net gain. This matter can be secured via planning condition to accord with NPPF Chapter 15 and Local Plan Policies LP30(ii) and LP37 Parts 1 and 2.

Local amenity issues (noise, dust and air quality)

- 10.40 The National Planning Practice Guidance sets out clearly the principal issues that mineral planning authorities should address and acknowledges that not all issues will be relevant at every site to the same degree. Also of relevance is Local Plan Policies LP36 and LP52, which refers to the impacts on the environment including human health local ecology/biodiversity (addressed above), and any cumulative effects arising from individual sites and or a number of sites in a locality (see paragraph 10.16).

10.41 Operations in association with quarrying and mineral extraction would undoubtedly cause a disturbance to the surrounding locality. Whilst these issues were previously considered at the time of granting the original permission, the proposals are to extend the existing quarry both vertically and horizontally, as such it is necessary to assess these proposals in relation to noise and dust as well as air quality impacts on nearby properties and the surrounding area. These matters are addressed in turn below:

Noise:

10.42 The proposed works will allow extraction and infill to proceed in a southerly direction, moving closer to an independent dwelling known as Moorfield Farm. The location of the crushers, screens and storage is proposed to move southerly with the operations, remaining on the quarry floor at all times. Towards the end of infill operations, the recycling plant is proposed to be located on infill then to be removed off site when it can no longer be screened by the quarry faces. The final stages of infill will be therefore proposed to be completed by the placement of materials from which all recyclables will have been removed off-site.

10.43 The application is accompanied with a Sound Impact Assessment authored by S. & D. Garritt Ltd. dated 27 June 2022. The report at table 3.1 identifies the nearest noise sensitive receptors are independent dwellings. Background noise monitoring was undertaken between the 21st and the 27th of June 2022 and a summary of the results is shown in the tables within section 5. Based upon machinery and equipment already operating on site, a noise impact assessment was conducted and the findings are shown in para 6.1.

10.44 KC Environmental Health (Pollution & Noise Control) team has reviewed this information and provide the following advice:

“The NPPF states ‘Mineral Planning Authorities should aim to establish a noise limit, (through a planning condition), at the noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).’

It can be seen from the table within para 6.1 that 3 of the 4 Noise Sensitive Receptor’s (NCR’s) meet with the requirements of the NPPF. However, Moorfield Farm is the exception with an exceedance of 11.3dB (furthest workings) and 16.6 (closest workings). While this will be a gradual increase in noise over an extended period of time, it is contrary to the requirements of the NPPF and although the report states it is likely that the predictions will be more favourable than those given in the table due to barrier attenuation, it cannot be ignored and so mitigation measures will be required. The report states there appears to be no further practicable reduction in quarry sound without placing unreasonable burden on the operator, and the requirement to not exceed 55dB $L_{Aeq,1hr}$ in this instance is met at all times but no evidence is offered to support this.

With regards to the phasing of works, the report states the possibility remains that when work is being conducted at the quarry rim, the NSRs may have an acoustic line of sight to the mobile machinery. The predicted sound levels from the overall operation are shown in the table in para 6.2. During times when mobile plant and machinery is visible at the quarry rim, sound levels will comfortably be within the temporary 70 dB L_{Aeq} limit allowable for up to 8 weeks per year for exactly this type of activity. However, no detail is given in the report on the phasing timeframes nor duration of works”.

10.45 In response to the above the applicant’s noise consultant further response acknowledges the exceedances at Moorfield Farm and proceeds to offer reasoning for supporting the application and to explain the unreasonable burden that would be placed upon the applicant through the implementation of mitigation measures.

10.46 A request is made by the report author for the applicant to provide accurate cross-sectional drawings that show the relative positions and heights of receptor, processing plant and mobile works and also the quarry sides, which would allow a set of sound level predictions to be produced. The report pre-empts the request by stating it is a significant and difficult (if not impossible) piece of work for whoever prepares the drawings. However, cross sectional drawings have been submitted from MWP Planning dated 15 November 2022 Ref 10193A/06 P1, 10193A/06 P2 and 10193A/06 P3 which show the sections from within the site and the workings and operations within phase 3 that are to continue for at least five years, following ten years within phase 1 and 2. The applicant’s acting agent states:

“it should be possible to operate within a limit of 10dBA above background for all operations except when the 70dBA limit would apply. Periodic noise monitoring at Moorfield House can be used to check noise levels, and should there be any exceedances, site operations would need to be modified to reduce noise levels below the limit applied. It should be possible to set a condition requiring the submission and approval of a noise monitoring scheme within a reasonable period of time – say 3 months.”

10.47 The applicant in the supporting statement also states *“that it is anticipated that the noise generated by quarry operations, with the exception soil stripping and replacement can meet a limit of 45db L_{Aeq} ”* There is no evidence submitted to support this expectation.

10.48 In light of the above, insufficient information is submitted to demonstrate that the detrimental impact from noise nuisance that will be caused on the amenities of nearby NSR (Moorfield Farm) can be mitigated against adequately. This information is required pre-determination to consider any exceedances and if necessary how the site operations would need to be modified to reduce noise levels below the limit applied, to accord with guidance in the NPPF and Kirklees Local Plan Policies LP36, Part 2(c) and LP52.

Dust:

10.49 All of the operations and activities in relation to quarrying have the potential to generate dust, including the breaking of materials, handling of previously broken materials, and by the movement of mobile plant and vehicle movements in and out of the site. The main sources of dust generation are likely to result from carrying out these operations during dry conditions. The supporting

information includes details of dust management during the proposed works. Environmental Health officers are satisfied matters relating to dust management can be addressed by condition. Should Members be minded to support the application a suitably worded condition can be imposed on the decision.

Air Quality:

- 10.50 The application includes proposals to increase the number of HGV movements permitted. The Transport Assessment by Paragon Highways dated August 2022 (ref: 1769(B)) states that the proposals will increase the maximum number of trips per day to 30, this equates to 1 or 2 per hour. The proposals have been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) Technical Planning Guidance.
- 10.51 The application does not fall within any of the declared AMQA's declared by Kirklees Council and it is unlikely that the proposals will require an air quality impact assessment. For complete accuracy, Environmental Health Officers have requested a comparison of heavy duty vehicle flows associated with the proposal against the requirements of Table 6.2 of the EPUK & IAQM Guidance Land-Use Planning & Development Control: Planning For Air Quality January 2017. This is still awaited.

Drainage/flood risk & water pollution issues

Surface water/flooding:

- 10.52 The application is accompanied with the following:
- Drawing Ref: 10193A/02, Site Plan (proposed), Rev A dated 07/11/2022
 - Drawing Ref: 10193A/02, Site Plan (existing), Rev - dated 22/08/2022
 - Document Ref: 228/01/wrq/hra/1121, Hydrogeological Risk Assessment, Rev 2 dated 22/11/21
- 10.53 On assessment of this information, the LLFA Officers advise that the Hydrogeological RA states in Section 2.3 that Cartworth Moor is underlain by free draining sandstone (Huddersfield White Rock) and in Section 3.3 that no off-site discharge of surface water is anticipated. The proposed works therefore appear not to impact the surface water drainage from the site. No conditions are recommended.
- 10.54 Likewise the Environment Agency were consulted. On assessment of the proposals their advice is that as the proposals are dealing with inert waste and the proposed activities are not at odds with any of their groundwater protection position statements, they raise no objections. Advisory notes for the applicant are provided to ensure the appropriate EA permits are sought where necessary.

Impact on private water supplies:

- 10.55 Local concerns are raised in relation to the carrying out of the proposals and the impact on private water supplies to independent properties nearby.
- 10.56 Council records indicate that there are several private water supplies in the surrounding area of the proposed extended landfill and a number of properties in the vicinity of the application site may be reliant on private water supplies for their sole supply of drinking water

10.57 The submitted Hydrogeological Risk Assessment (HRA) and suggests that there are no properties that are being served by private water supplies in the area. This is contrary to Council records which indicate that there are many private drinking water supplies currently in use near the proposed development, some of which are in fact listed in Table 2 of the HRA report.

10.58 In response the applicant's agent states that:

"Section 4 of the Hydrogeological Risk Assessment submitted with the application provided information on groundwater quality and a risk assessment. SMF Associates has had a 20 year involvement with Windy Ridge and Hillhouse Edge Quarries, as have I. Around 20 years ago, the Hillhouse Edge Quarry operator provided a mains water supply to the locality and residents of Hillhouse availed themselves of the opportunity of connection to the mains supply. I don't think that there are any local residents not connected to mains supply.

As noted in the HRA, no evidence has ever been found through extensive water sampling in the past, that there was any problem with contamination – other than at one location north of Hillhouse Edge Quarry and that was with turbidity. That issue arose from a particular feature of Hillhouse Edge Quarry – its well – and that was capped off to prevent silty water entering the well.

"paragraph 5.1 of the HRA which states, Hydrogeological impact assessment has demonstrated that the proposed deepening of Windy Ridge Quarry by a further 10m is unlikely to have any adverse impact on local groundwater flow or groundwater quality. Groundwater flowing beneath the site discharges to springs to the north and west of the Cartworth Moor. There is no evidence to indicate that quarry deepening would have any adverse impact on the rate of discharge or the quality of water emerging from any of these locations. Site management conditions would be acceptable."

10.59 The Councils Environmental Health (the regulator of such private drinking supplies) recognise that it is difficult to predict how private water supplies may be affected in the future by the development, however, if a risk to the current provision exists, it must be protected. Environmental Health Officers advise that a management condition as suggested by the applicant would not be appropriate in this instance and the potential risk to private water supplies would need to be considered pre determination.

10.60 To summarise, it is considered the proposals are unlikely to result in the interruption of land drainage however, it has not sufficiently been demonstrated how the proposals would avoid causing potential detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the site, to accord with guidance in the NPPF and Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e).

10.61 Highway & PROW issues:

10.62 All new developments can potentially impact on the highway network, it is important that the extent of these impacts are fully understood and considered when determining planning applications. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Kirklees Local Plan policy LP21 is of relevance in this instance, which sets out proposals should demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

10.63 Also of relevance is Local Plan policy LP36 requires proposals for mineral extraction be considered having regard to amongst other things, Part 1 a. the impact on the environment and highway safety. Part 2 of policy LP36 clearly sets out proposals to extract minerals, including from former waste deposits will be permitted provided that they will not:

- a. cause unacceptable detriment to the landscape including its character or local visual amenity during or subsequent to extraction;
- b. be materially detrimental to interests of nature conservation, cultural heritage, geological or archaeological importance;
- c. cause nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport;
- d. prejudice highway safety through the volume or nature of vehicle movements generated;
- e. result in pollution of water resources or soils or the interruption of land drainage;
- f. cause materially significant permanent change to local rights of way networks; or
- g. result in permanent loss of best and most versatile agricultural land.

10.64 DM Highway Officers on review of the proposals provide the following assessment:

10.65 ***Development Overview:***

The proposals seek to extend the existing quarry both vertically and horizontally, increase HGV movements from 16 to 30 movements per day to an anticipated end date to 2044. The proposals also include the provision of a new site access. Highway improvements are also proposed along Cartworth Moor Road in the form of additional HGV passing places and surface repair works between the White Gate Road/Cartworth Moor Road junction and the site access.

Reference to Plans/Documents:

Transport Assessment, August 2022, 1769(B)

Highway Improvements Drawing, Drawing No. 1769-101A, Revision A

Prelim Access Proposal, Drawing No. 1769 201, Dated 22/08/2022

Adoption Issues:

The proposed new quarry access from Cartworth Moor Road, will be a private access serving the quarry only and will not be adopted by the Highway Authority.

PROW:

Public Bridleway HOL/94/10 runs along the northern edge of the application site providing a route between Cartworth Moor Road and White Gate Road. This Bridleway is currently used as the quarry access.

Public footpath HOL/175/60 runs along Copthrust Road crossing Cartworth Moor Road, continuing in a westerly direction to White Gate Road.

The PROW Team have been consulted on this application and has provided further detailed comments – see separate PROW comments below.

10.66 ***Vehicular Access:***

It is proposed to access the site via a new dedicated vehicular access directly off Cartworth Moor Road. The new access takes the form of a simple priority junction, the initial 20m from Cartworth Moor Road is 7.3m wide and hard surfaced, beyond which the width reduces to 4.1m with a crushed stone surface. To facilitate HGV passing a passing place is proposed roughly centrally along the length of the access. Junction radii of 10m to the south and 8m to the north are proposed, which are based on the vehicle swept path of the largest vehicle expected to need regular access the quarry. The junction provides good visibility in both directions. The proposed new access is acceptable and offers improvements over the existing access arrangements. The existing access, which shares the alignment of Public Bridleway HOL/94/10 will revert to being a bridleway only, removing the HGV trips associated with the quarry.

10.67 ***Vehicle Routing:***

All HGVs accessing the site travel to and from the south along Cartworth Moor Road. There are no route restrictions for other traffic associated with the quarry i.e. (cars and LGVs). HGV traffic will use the new access onto Cartworth Moor Road, travelling southeast to access the A616 Sheffield Road via Linshaws Road, Bare Bones Road, Flight Hill, Law Common Road, and Penistone Road (B6106). Whilst there is no strict routing for HGVS (other than the prohibition of using White Gate Road) this route is the only feasible route for HGV quarry traffic due to the layout, width, and alignment of alternative routes, which are unsuitable for HGV traffic.

10.68 ***Cartworth Moor Road:***

Cartworth Moor Road is a local access road, which runs in a broadly north/south direction between White Gate Road to the south and Gill Lane to the north, a total length of around 1850m. The northern section a length of approximately 870m has a bituminous sealed surface and is in reasonable condition, the southern section a length of around 980m has a compacted (unsealed) stone surface, maintained in character only. By necessity all HGV traffic accessing the quarry does so from the south using the unsealed section of Cartworth Moor Road.

10.69 It is acknowledged that Cartworth Moor Road is an adopted highway maintained at public expense, however, it is important to understand the history of the road and the level of maintenance required. Cartworth Moor Road dates back to the early decades of the nineteenth century, it was awarded as a 'public carriage road' in the Graveship of Holme Inclosure Award of 1834 and, as such, became maintainable at public expense when the Highway Act of 1835 introduced the concept of adopted highways, it's what is often known colloquially as an 'ancient highway'.

10.70 Over the years, some ancient highways across the district have been brought up to a modern standard, in terms of drainage, lighting and surfacing. This was usually done in association with development in the locality. However, a number of ancient highways in rural locations still retain their historic character or have only been partially metalled over the years. These highways are considered to be 'maintainable in character' only, i.e., they are maintained to their original standard of construction. Cartworth Moor Road has a sealed surface over part of its length, with the remainder maintainable in character.

- 10.71 The Council, as highway authority, has a duty to maintain its adopted highways, but the power to improve them is entirely discretionary. So modern, surfaced and sealed roads will be maintained to that standard, while unsurfaced and unsealed, partially metalled roads and green lanes are maintained to that particular standard. If an adjacent landowner requires a maintainable in character road to be brought up to a modern standard, to support a business activity for example, the adjacent landowner would usually be required to fund this improvement.
- 10.72 Historically Cartworth Moor Road has been lightly trafficked, providing access to a small number of commercial and farmstead properties in addition to the application site and Hillhouse Edge Quarry. The application proposals, (observed to be already happening), have resulted in the increased use of Cartworth Moor Road by HGV quarry traffic, the observed increased use in HGV movements resulting in the structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified quarrying/land fill operations.
- 10.73 It is noted that the Applicant is offering highway improvement works on Cartworth Moor Road to help mitigate the increase in HGV movements, in the form of additional passing places and resurfacing work. Whilst these are welcomed the view of the Highway Authority is that deterioration of the road is beyond the point where periodic patching is appropriate, and that significant works are required to reconstruct the road to bring it back to an acceptable standard.
- 10.74 There is evidence that someone, presumably the Applicant, has already been undertaking resurfacing works on Cartworth Moor Road, these works are unauthorised, undertaken without the knowledge of the Highway Authority and without the requisite permit/agreement. Any condition requiring the reconstruction of Cartworth Moor Road would require the Applicant to enter in to a S278 Agreement, with works being implemented under the terms of the Agreement.
- 10.75 To be acceptable from a Highway perspective the unsealed, maintained in character only, section of Cartworth Moor Road would need to be reconstructed. Colleagues in Highways and Operations have been consulted with regards to the options and costs associated with the reconstruction of Cartworth Moor Road and two potential options have been identified.

Option 1 - Reconstruct with unbound materials (stone), road is unbound but is brought up to a more durable standard, maintained in its' current character – estimated cost circa £550,000

Option 2 – Reconstruct with a bituminous bound surface, similar standard to an all-purpose adopted road – estimated cost circa £1,100,000

Note, these are very much broad-brush estimates to give an indication of ballpark costs.

- 10.76 Should the application be recommended for approval, Highways would be seeking a condition requiring reconstruction of Cartworth Moor Road along the lines of the options suggested above or a combination thereof, specification to be agreed with the Highway Authority. The agreed scheme of works shall be implemented in full prior to commencement of the development.
- 10.77 Option one “maintained in character” would require ongoing annual maintenance, with an annual maintenance fee (to be confirmed) secured by S106 Agreement.
- 10.78 It is observed that local roads along the HGV routing, i.e., White Gate Road, Linshaws Road and Bare Bones Road, are showing signs of deterioration (significant potholes, carriageway edge vehicle overrun damage). Intensified HGV usage resulting from increased operations at the application site is accelerating and exacerbating this damage. Should the application be recommended for approval an annual maintenance fee of £25,000 per annum, secured by S106 Agreement, would be required.
- 10.79 **Traffic Impact/Network Assessment:**
The extant permission (planning application reference 2020/70/92410/W) to extract sandstone and import fill material (along with some recycling of the infill material for exportation) allows a maximum of 16 HGV movements per day (8 in – 8 out). The current application seeks to increase the number of daily trips to a maximum number of 30 HGV movements per day (15 in – 15 out). This assessment is considered to be overly optimistic and does not reflect on site observations.
- 10.80 It is anticipated that the extraction of the stone reserve will take approximately 12 years, with backfill completed within an additional 10 years. Final restoration to be achieved after 23 years by 2044.
- 10.81 For the first 12 years it is anticipated there will be 10 loads of quarried stone exported per day, 20 movements (10 in – 10 out), with 5 loads of imported waste materials per day, 10 movements (5 in – 5 out) and 4 loads per day of exported recycled materials, potentially another 8 movements per day (4 in – 4 out) giving a total of 38 HGV movements per day.
- 10.82 The 30 movements per day threshold is based on all exported recycled materials being transported as return loads using vehicles bringing waste materials to the site. In practice due to the way the industry operates this is unlikely and is not reflective of site observations, where in one hour around 12 vehicle movements were observed, all vehicles bringing waste materials to the site and exiting empty (i.e., on return loads). In practice, based on the information provided and on-site observations, it is more likely that daily vehicle movements will be in the order of 38 HGV movements per day for the first 12 years, not 30.

10.83 Following 12 years of stone extraction it is estimated there would be a further 10 years of backfill, with final restoration of the site after 23 years. During this phase of the operation, it is stated that there would be 15 loads of imported waste materials per day, 30 movements (15 in – 15 out), with 15 loads of exported recycled materials per day, potentially an additional 30 movements (15 in – 15 out). Again the 30 movements per day threshold is based on all exported recycled materials being transported as return loads using vehicles importing waste materials. Using the same analogy as above if there were no return loads this could result in a total of 60 vehicle movements per day.

10.84 It is considered that the submitted assessment underestimates HGV movements and is not representative of how the quarry is currently or likely to operate in the future.

10.85 **Road Safety:**

Review of personal injury accident records for the preceding 5-year period up to June 2021, show that on the local highway network in the vicinity of the site, which includes the routes vehicles accessing the quarry would take, i.e., Cartworth Moor Road, White Gate Road, Linshaws Road and Bare Bones Road including its junction with Dunford Road, there have been no reported injury accidents.

10.86 The options set out above and proposed condition was conveyed to the Applicant, who has responded that, in their view, the condition is unrealistic, unnecessary, not justified, and unaffordable. The Applicant has put forward an alternative offer of £75,000, (to be pay this over several years) to provide a 75mm thick asphalt overlay and declined to accept the suggested condition put forward by DM Highways.

10.87 Consideration is now given to the impact of the proposals on all other users of the highway infrastructure with particular reference to Public Rights of Way (PROW), core walking and cycling routes before summarising on this and the above highway matters.

PROW, core walking and cycling issues:

10.88 Public Rights of Way (PROW), officers note that significant damage has been caused to the surface of the bridleway through recent operations associated with the quarry. The highway has been obstructed and the required wheel washing facility also causes nuisance and conflict and this would be exacerbated if the permitted number of vehicle movements were to increase as proposed. Kirklees PROW objects to any increase in the number of vehicles using the existing PROW.

10.89 In support of the scheme the applicants have stated that the new access road is proposed in order to eliminate conflict between quarry traffic and the users of the bridleway and footpath. The proposed access road will be onto Cartworth Moor Road (CMR), which is as noted above, in part unsealed and unsurfaced and maintained in character as a country road. As CMR is used as a route by quarry traffic additional passing places are proposed south of Copthurst Road where the upland moorland character is particularly strong. It is acknowledged that vehicular rights exist over CMR. In addition, CMR where it meets the junction with Copthurst Road to White Gate Road, forms part of a wider existing core walking and cycling route as identified on the Local Plan.

10. 90 Paragraph 100 of Chapter 8, promoting healthy and safe communities of the NPPF, is of relevance in this instance which states *“decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”*. Also of relevance is Kirklees Local Plan Policy LP23 which requires core walking and cycling networks to be safeguarded. Proposals that prejudice the function, continuity or implementation of the core walking and cycling network are unlikely to be supported under Policy LP23.
10. 91 Concerns are received during the course of the application, in relation to conflict between quarry traffic and other users of CMR. On further review, Kirklees PROW officers have reassessed the proposals particularly in light of the objections/claims regarding the current use of and the rapidly deteriorating condition of parts of CMR, including damage to verges and the stone surface as a consequence of increased HGV movements from the application site. PROW officers object to any increase in HGV movements to and from the quarry, beyond that currently approved (8 in and 8 out) per day.
10. 92 It is also acknowledged that an application has also been made for a Definitive Map Modification Order (DMMO) under s53 of the Wildlife and Countryside Act 1981 to record part of Cartworth Moor Road on the Definitive Map and Statement of Public Rights of Way (the DMS) as a public bridleway. The application has not yet been determined. While this is recognised the weight attributed to this is not significant, given its pending status and the outcome is uncertain. Equally PROW officers advise that CMR
- “would be considered to be recordable on the DMS as a Byway Open to All Traffic (BOAT). Section 66(1) of the Wildlife and Countryside Act 1981 defines a Byway Open to All Traffic (BOAT) as: “a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”. Whether a vehicular road is considered to be a BOAT or an ‘ordinary’ road will depend on its character or type. Other routes of a similar nature elsewhere have been recorded as BOATs”*.
10. 93 A description is given at 2.2.2 in the Transport Assessment of bridleway HOL/94/10, currently used as access to the quarry. It is described as having *“grass verges on both sides providing step off areas for pedestrians and cyclists should a HGV be travelling along the track”*. However, the verges that previously existed have been damaged or removed as part of the quarry operations and are currently largely unusable for the purpose described. No mention is made of equestrian users who are considered particularly vulnerable. The suggestion given is that the vulnerable non-motorised users would need to step aside and show deference to vehicular traffic. This is not appropriate, and in practice there is currently little opportunity to do so. The same situation will also apply to parts of CMR.
10. 94 While CMR is generally wider than bridleway Holmfirth 94, with verges to either side, it is noted that there has recently been damage to verges. This limiting use of those areas by vulnerable users, who in any case would not be obliged to show deference to HGV traffic or may not find it possible or safe to do so. CMR has an overall width between walls of approx. 9.1m (30ft). However, along the unsealed length, the surfaced part of the carriageway is in places as little as 3.4m wide. This is indicated in the drawing at appendix C to the Transport Assessment. The usable width of verges may also be constrained in places by roadside ditches.

10. 95 A 20 tonne rigid vehicle of the type likely to be regularly used may have a width in excess of 3m. It would not be safe or possible to pass a horse rider allowing 2 metres of space required by the Highway Code (rule 215), without a rider moving well aside or a HGV driving over and damaging the offside verge. While two additional passing places are proposed, there would still be considerable lengths where no safe passing would be possible without verge damage or without vulnerable users giving way and moving aside. This is not considered acceptable and the virtual doubling of permitted traffic will significantly increase the likelihood of conflict occurring.
10. 96 Some elements of the proposal would lead to a benefit to the public rights of way network - e.g. by eventually removing quarry traffic from bridleway HOL/94/10 and on to a new access road. However, this is outweighed by the negative impact on CMR, by the proposed increased numbers of heavy vehicles. It is now apparent from the recent deterioration in surface condition due to HGV traffic, that the level and type of improvement to the surface of the way that would be required to sustain the increase to the permitted level of HGV traffic contemplated, is likely to be beyond the suggested isolated surface restoration in the form of filling voids with crushed stone.
10. 97 PROW Officers advise is that *“to improve CMR to a sufficiently high standard - to allow use by the increased number of heavy vehicles safely and without damage - would likely negatively affect the enjoyment of non-motorised users. Effectively a quiet rough track would likely need to be turned into a wider vehicular road, with loss of verges. Provision of a sealed surface, whilst not contemplated in the current proposal, is unlikely to be favoured and can cause safety risk for e.g., equestrians”*. In summary, the work required to improve the route to accommodate the increased quarry traffic and other users as recognised by Highway officers (above) is likely to be beyond the isolated 'surface repair works' the applicant has put forward. The provision of two HGV passing places described in the transport assessment would also be insufficient to address the concerns of conflict between pedestrians, cyclists and equestrians along the route of CMR.
10. 98 In summary the proposals, to include the increase in HGV movements onto Cartworth Moor Road would further result in the structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements in association with the quarrying/land fill operations. The Applicant has declined to accept the full mitigation measures required to avoid, the recognised severe cumulative detrimental impact the proposals would cause, which to some extent is already observed. Without the full maintenance and repair works suggested by DM Highway Officers, the proposals would not only cause material highway safety concerns but also fail to safeguard and undermine the safety of all users of the wider highway network and Cartworth Moor Road which in part forms a core walking and cycling network. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 (points c, d and f).

Representations

10.99 The preceding paragraphs address the majority of representations received other than those assertions relating to the potential use of non inert waste and future monitoring of the site. Under the submitted application, it is intended to infill using inert waste, comprising construction, demolition and excavation materials as part of the proposals. The use of any other waste type would be a deviation from submitted proposals and as such would require planning permission to vary the details. Separate to planning permission, the applicant will also be required to obtain the necessary Environmental Permits from the Environment Agency. With regards to monitoring, following recent concerns and complaints raised with the Council, monitoring of operations at the site have been carried out and can continue, particularly in light of the recent breach of condition notices being served and the unauthorised works to the bridleway.

11.0 Conclusion

11.1 The proposals would result in the extension of an existing operational quarry. The submitted information has failed to sufficiently demonstrate that the demand for the high quality masonry stone which is proposed to be sourced from the site, is unmet both locally or nationally. Furthermore, the proposals are not accompanied by sufficient information to demonstrate that the unacceptable impacts as set out in the above assessment could be satisfactorily controlled through appropriate mitigation measures.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in Kirklees Local Plan and guidance on the NPPF.

12.0 Reasons for refusal

1. The proposals through the construction of a new access road will result in the encroachment of urban development into the countryside. This together with its use as proposed would constitute inappropriate development failing to preserve the openness of the green belt and would conflict with the purpose of including the land within the green belt. Very special circumstances (which clearly outweigh this inappropriateness and other harm) has not been sufficiently demonstrated. The proposal is therefore contrary to policies LP32 and LP36, Part 2 (a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. The proposals will result in an intensified use in HGV movements on the surrounding highway network including Cartworth Moor Road. Consequently, this will result in the further structural failure of the unsealed, maintained in character only, section of Cartworth Moor Road, which in its current condition is considered unsuitable to serve the proposed intensified HGV movements. Cartworth Moor Road in part forms a core walking and cycling network. The intensified HGV's movements is likely to result in significant highway safety concerns from conflicts between HGV and other road users including vehicular, equestrian, cyclists and pedestrians, failing to safeguard and undermine the safety of all other users. The proposals as such are contrary to guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 Part 2 (points c, d and f).
3. The carrying out of the proposals will result in unacceptable noise nuisance to the occupants of the nearest noise sensitive receptor known as Moorfield Farm. It has not sufficiently been demonstrated how the detrimental impact from noise nuisance on the occupiers of Moorfield Farm can be mitigated against adequately. The proposals as such fail to comply with Kirklees Local Plan Policies LP36, Part 2(c) and LP52 and guidance in the National Planning Policy Framework
4. The submitted information fails to demonstrate sufficiently how the proposals would avoid causing potential detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the application site, to accord with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework.

Background Papers:

Application and history files. see assessment above
Website link to be inserted here:

[Planning application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93230>

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