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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 20-Jun-2024**

**Subject: Planning Application 2023/93449 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**

C Barber, Windy Ridge  
Recycling Ltd

**DATE VALID**

28-Nov-2023

**TARGET DATE**

27-Feb-2024

**EXTENSION EXPIRY DATE**

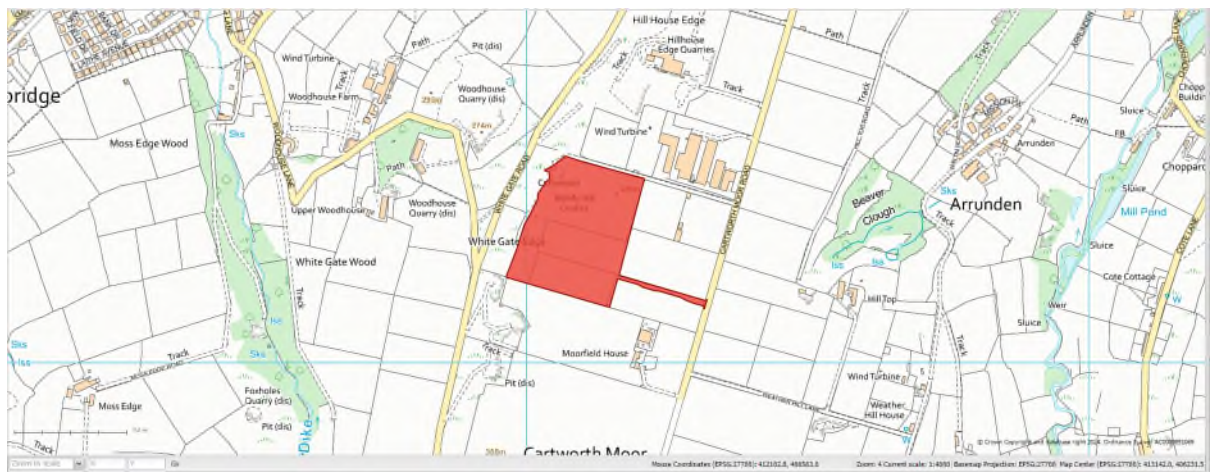
15-Mar-2024

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[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: Yes**

**Public or private: Yes**

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**RECOMMENDATION: Approve**

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 and to secure a S106 agreement to cover the following matters:

1. Annual highway maintenance fees of £50,000 (to be split between Kirklees and Barnsley Council) to mitigate against the potential damage and deterioration of the highway infrastructure as shown on HGV routing drawing 10193/S106 Traffic Route/CJB/120324, from the intensified use of HGV's in association with the proposals.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

- 1.1 The application is submitted in full to 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.
- 1.2 The application is brought to Strategic Planning Committee (SPC) for determination, in accordance with the delegation agreement, as a significant number of representations contrary to the case officer's recommendation for approval have been received.
- 1.3 A previous application (ref: 2022/93230) for an identical scheme was refused in accordance with the SPC's resolution of 02/03/2023. This application is a resubmission of that refusal.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 Windy Ridge Quarry is situated on the western edge of Cartworth Moor, approximately one kilometre to the southwest 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 extant planning permission. The proposals under this current application include works to both these areas and have been carried out in retrospect. See paragraphs 3.1 (bullet points 5 and 6) 10.7 and 10.26 below.
- 2.4 The closest independent dwelling/farmstead is approximately 60 metres from the application southeast boundary. This is known as Moorfield House. There are other dwellings farmsteads approximately 137 metres from the site boundary.

### **3.0 PROPOSAL:**

- 3.1 As stated above, this is a re-submission of an earlier application 2022/93230 which was refused by Members of the SPC on 02/03/2023 on four grounds of refusal.

As on the 2022/93230, the proposals in brief, seek to:

- deepen the existing quarry by approximately 10 meters to a maximum depth of 313m AOD, (total depth approx. 26m)
- and extending it onto 1.75ha of agricultural land to the south-west of the existing operation,
- close 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
- notwithstanding the supporting statement, an increase in the number of HGV movements permitted per day from 16 to 30 (15 in and 15 out),
- retrospective approval for the recovery of materials from the landfill in the southern part of the permission area, to allow access to mineral beneath
- temporarily store material in 4m high mound, that cannot be recycled from previous landfill area (these appear to be 5m high, according to recent Phase 1 report received) on part of the previously restored quarry area (retrospective). This operation was formed prior to the consideration of planning application 2022/93230. This still does not appear to have been grassed as previously it was stated to be in winter 2022/3. This stockpile is again stated to be removed by December 2024.
- restore the site by infill with construction, demolition and excavation wastes,
- recycle 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 10 years, with backfill to be completed within an additional 10 years. Final restoration is anticipated to be achieved by 31<sup>st</sup> December 2043.

3.2 The applicant is also agreeable to enter into a Section 106 Legal Agreement to provide highway maintenance payment of £50, 000 annually, to mitigate for the potential damage and deterioration to the highway infrastructure that follows the proposed HGV routing as shown on drawing 10193/S106 Traffic Route/CJB/120324. The HGV routing includes highways in both Kirklees and Barnsley district.

3.3 The four reasons of refusal on the 2022/93230 planning application are set out below, in full:

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.

3.4 The submission documents accompanying this application comprises details to address the previous reasons for refusal which are discussed in more detail in the appraisal 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

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- refused 02/03/2023

4.3 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 requested evidence of the supply & demand for the mineral sourced from the site- received 12/02/2024
- Details relating to private water supply for Moorfield House – received 09/02/2024
- Final HGV routing plan received 12/03/2024
- Wheel bath location drawing received 14/03/2024
- Agreement of applicant to pay the requested £50K annually instead of 25K – received 03/05/2024
- Stage/phase 1 Geo-Environmental Desk Study Report, authored by ARP Geotechnical (ref: CQL/01r1) -received 08/05/2024
- Confirmation that passing places on Cartworth Moor Road created – received 13/05/2024
- Negotiations have also continued through the course of the application which resulted in the applicant agreeing to increasing the number of HGV trip to 30 (15 in and 15 out) instead of 40 as initially proposed.
- Extension of time to allow the applicant to submit additional information as listed above and determine the application.
- Agreement that submitted restoration plan not acceptable as it does not show 10% biodiversity net gain – 07/06/2024.

## **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 27<sup>th</sup> 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 Relevant Local Plan policies are:  
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  
LP53 – Contaminated and unstable land

- 6.4 Supplementary Planning Guidance / Documents:  
National Planning Policy for Waste 2014

- 6.5 National Planning Policy and Guidance:  
The National Planning Policy Framework (2023) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals.

- 6.6 Relevant paragraphs/chapters are:  
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 3 site notices in the vicinity of the site and the posting of 15 neighbour notification letters. 61 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 securing highway maintenance fees through a S106 Legal Agreement and conditions including for:

*Highway Works:*

Reconstruction of the unsealed “maintained in character” only section of Cartworth Moor Road (a length of approximately 980m) including detail of proposed passing places, to a specification agreed in writing by the Mineral Planning Authority. The agreed scheme of works shall be implemented in full prior to the intensified use of this road by HGV’s in association with the quarry operations as proposed. Thereafter, six monthly joint inspections to be carried out on this section of Cartworth Moor Road and any identified defect works to be carried out at expense of applicant within three months of completion of inspection/survey. e.

*Section 106:*

Annual maintenance fee £50,000 towards to the maintenance of the highway infrastructure (in Kirklees and Barnsley) as shown on the proposed HGV routing plan, in association with the proposed quarry operations.

KC Local Lead Flood Authority (LLFA) – The proposed works are unlikely to affect any chartered watercourses and does not appear to increase the risk of flooding to the site or surrounding properties due to infiltration into the underlying permeable soils/strata. Support the proposals. No specific conditions suggested.

The Environment Agency – No objections. Advisory notes to be included on decision notice in the event of approval, to bring attention to 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)

KC Environmental Health – No objections, subject to conditions.

West Yorkshire Archaeology Advisory Service - advises that a geophysical survey is undertaken on the site to determine if any archaeological remains are present. The survey should be undertaken on all areas of the site that have not been previously worked by the quarry. This may be followed by further evaluation or mitigation works depending on the results of the geophysical survey. See assessment below.

## 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, air quality and contaminated land)
- Drainage/flood risk & private water/watercourses pollution issues
- Highway/ PROW issues
- Representations
- Other matters
- Planning Obligations
- 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 under this current permission is to cease and the site to be restored by 31<sup>st</sup> 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:

*“ The permitted reserve of stone remaining in the Quarry is small and the depth increase would release an additional quantity, including the stone underneath the closed landfill. The southern extension would add a further reserve which on the same basis would bring the total reserve up to approximately 500,000 tonnes, assuming 2.3 tonnes/m<sup>3</sup> and 20% wastage. The 20% rejects at 44,000m<sup>3</sup> 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 10 years.*

*The existing planning permission allows for the restoration of the quarry by means of infill with inert waste, comprising construction, demolition and excavation materials. The southern parts of the Quarry had been infilled under the terms of a waste management licence, but the landfill had to close in the early 2000s due to the costs of transferring to a new environmental permit. The permit has been surrendered.*

*The recovery of stone from under the landfill in the south west corner of the Quarry required the removal of the landfill. The landfill consisted of inert waste deposited in the period before 2005, primarily demolition rubble and soils. The Applicant treated the deposited waste to manufacture aggregate and reserved the reject materials ("soils"), to redeposit in the quarry.*

*The Environmental Permitting regime has now changed and it would be possible to fill the quarry in order to give final long-term stable side slopes under the provisions of a "recovery" permit. This would be a bespoke environmental permit, which allows the use of waste materials to perform the obligation contained in the planning permission to restore the Quarry to the approved restoration landform. To complete the restoration process, soils will need to be screened from the imported inert wastes, both in the form of subsoils and topsoils.”*

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. To bring the site to back to its original levels an anticipated total backfill volume of approximately 370,000m<sup>3</sup> (415,000m<sup>3</sup> was stated on the 2022/93230 refused application) is stated to be required. This current proposal would extend the operational life of the existing operational quarry and proposed extension area for a further 15 years from the date of the existing permission, to 2043.

10.7 Paragraph 4.3 of the supporting statement refers to the retrospective part of the proposals which states:  
*“Excavation of the former landfill has been completed and recycled aggregate and soils sold off site. The materials within the landfill that could not 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 2023/4.”*

- 10.8 There is some ambiguity about the height of the stockpile, as this is quoted to be 5m in height in the recent Phase 1 report received 08/05/2024. Furthermore, at the time of writing the stockpiles remain unseeded.
- 10.9 Section 4 of the supporting statement sets out in detail the proposed method of working and advises that stone extraction has preceded at a faster rate since the takeover by the new site operator in 2021.
- 10.10 Drawing 10193A/03 shows the maximum extent of excavation, with cross sections shown as Drawing 10193A/06A. Excavation and infill would take place in three phases as shown in Drawings 10193A/03A P1, 10193A/03A P2 and 10193A/03A P3, with corresponding cross-sections on Drawings 10193A/06A P1, 10193A/06A P2 and 10193A/06A P3.
- 10.11 Phase 1 (from year 1 to 5) would see the 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 re-instated to a design to be agreed with the Mineral Planning Authority. Phase 2 (from year 5 to 10) will see the infill close to original ground levels at the northern end of the quarry as excavation proceeds southward. Phase 3 (from year 10 to 15) sees infill progressing further in a southward direction with extraction reaching its maximum extent. Following completion of infilling restoration works will take place in this part of the site including the removal of the access road. The final phase would be the complete infill of the quarry in accordance with only the levels shown on drawing 10193A/04 Rev A. The soft landscaping details shown on this drawing are not appropriate as these details do not include for the required 10% Biodiversity Net Gain. (discussed further at paragraph 10.51)
- 10.12 As works progress and sufficient space is created within a worked out part of the quarry, imports of suitable waste materials are to commence, with recyclable materials being removed and processed through a crusher/screening plant, to manufacture secondary aggregate and soils for sale. The remaining materials are stated will be processed as required to manufacture a "civil engineering fill" to be used to backfill the excavation. Of particular note is the crusher screening plant is proposed to be below surrounding ground levels in order to minimise noise and dust impacts. It is stated that in the event predicted noise levels at Moorfield House rise above 55dBA, the crusher and screen would be removed off site and only waste suitable for deposit without treatment would be imported. Noise concerns are discussed further below.
- 10.13 HGV vehicles associated in carrying out quarry operations are proposed to cease use of the existing access/track on completion of the proposed new access road, onto Cartworth Moor Road, within 24 months of planning permission being granted. (discussed below under highway matters). The proposals also include the provision of two new passing places on Cartworth Moor Road indicated to be formed within 12 months of the grant of planning permission. The supporting statement makes reference to the details of these passing places to be submitted and approved prior to the increase in HGV movements. There is some ambiguity on this matter, as in an email dated 13/05/2024, the applicants Highway consultant advises these passing places have been completed retrospectively, as shown on the revised drawing 1769 001A – Highway Improvements. (discussed further below).

- 10.14 The Site office/amenity cabin which currently serves the existing quarry is proposed to be moved to the position shown on Drawing 10193A/03A P1. Cabin elevations are shown on Drawing 10193A/05. A wheel bath will be located at the end of the access road within the quarry site, as shown on drawing 10193A/03B. No details of the wheel bath are provided.
- 10.15 Maximum excavation limits are stated to have been determined by the updated Hydrogeological Risk Assessment accompanying the application, the recommendations of which include;
- Limiting the depth of excavation to the base of the Huddersfield White Rock in all areas of the Site;
  - Retaining a minimum unsaturated zone of 5m (increasing to 18m at the southern boundary);
  - Installation of an artificial clay lining system on the excavation floor and faces with minimum specification of 0.5m thickness and hydraulic conductivity of  $1 \times 10^{-9}$  m/s (or 1.0m thickness and  $k = 1 \times 10^{-7}$  m/s); and
  - Installation of a restoration drainage scheme based on discharge of surface runoff to undisturbed ground by use of peripheral soakaway systems.
- 10.16 The applicant advises the above measures will need to be incorporated into a design to form part of an application to the Environment Agency for an environmental permit.
- 10.17 The Hydrogeological Risk Assessment accompanying the application recommend three new groundwater monitoring boreholes to be installed around the site perimeter. These are proposed to be installed subsequent to planning permission be granted. This matter can be addressed by condition.

#### Principle of development

- 10.18 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.
- 10.19 Paragraph 217 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.
- 10.20 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

and the proposals would enable the applicant to continue the supply of aggregate, walling stone and block stone nationally, where as aggregate is stated to be supplied within West and South Yorkshire.

It is noted that the production of aggregates and walling stone will be secondary to the supply of high-quality block stone, which is a scarce resource and referred to as being in much demand for architectural purposes.

- 10.21 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.
- 10.22 The application seeks to extend an existing operational quarry. 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

- 10.23 NPPF paragraph 155 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.
- 10.24 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.

- 10.25 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 15 years to 2043, when considered from the end date of the current permission (2028). 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.
- 10.26 Also included in the proposal, retrospective permission is sought for the temporary storage of soils on restored land (within the boundary of the former permission 2002/91420), up until the end of 2024. 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 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.
- 10.27 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.
- 10.28 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 CMR 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 planings within 12 months of construction. There are also two new passing places proposed on CMR south of the quarry beyond the junction with Cophurst Road. There are two existing passing places on CMR in the vicinity of the site.

- 10.29 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.
- 10.30 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.
- 10.31 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.
- 10.32 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 2043. 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.
- 10.33 Balanced against this degree of harm is the temporary nature of the development, albeit for a further 15 years from the date of the current permission (2028). The stockpiles are temporary 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.

- 10.34 NPPF paragraph 215 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 217 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.
- 10.35 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.
- 10.36 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 would provide a continuing source of stone for another ten years. 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.
- 10.37 The demand for this scarce mineral is recognised. Furthermore, to support the recognised demand, the applicant has provided four separate independent letters from businesses/ companies who obtain this mineral from the application site to meet the demands of their business needs. The independent companies also recognise that whilst there is a continuing need for this type of mineral, they also claim there is currently a shortage of masonry stone particularly of the type available at the application site, which is needed to renovate heritage assets and for new builds in conservation areas.
- 10.38 The Quarry also produces aggregate from the stone layers above the blockstone, which is incidental to working the blockstone. The aggregate produced will assist Kirklees in meeting the demand for aggregate.
- 10.39 With respect the proposed access, whilst this is seen to result in an urbanising impact and will generate some noise and disturbance from the use of it by HGV's associated to the quarry operations, it would eliminate the current conflict from HGV's on the users of the bridleway. Furthermore, the access road is temporary, to be removed as part of the final restoration works, thereby reverting the land back to its original agricultural form.
- 10.40 The evidence submitted substantiates 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. The benefits of the proposals are for the supply of the stone to the construction industry which is in much demand for repairs to existing buildings and for new build in the vernacular style, together with the elimination of disturbance to bridleway users. This together with the temporary nature of the access road, it is considered that very special circumstances have sufficiently been demonstrated, which in the opinion officers, outweighs the inappropriateness and other recognised harm, in accordance with Kirklees Local Plan Policy LP36, Part 2 (a) and guidance in the National Planning Policy Framework. This addresses the first reason for refusal on the 2022/93230 application.

### Site restoration and safeguarded waste

- 10.41 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.
- 10.42 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.
- 10.43 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.
- 10.44 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.
- 10.45 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)

- 10.46 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.
- 10.47 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.
- 10.48 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.
- 10.49 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.
- 10.50 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 was undertaken. Natural England concurs with the conclusions of the reports and raises no objections. The Council's Ecology Officers advise 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.
- 10.51 In addition to the above, 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)

Local amenity issues (noise, dust, air quality and contaminated land)

- 10.52 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 10.25).

10.53 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:**

10.54 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 are therefore proposed to be completed by the placement of materials from which all recyclables will have been removed off-site.

10.55 The application is accompanied with a Sound Impact Assessment authored by S. & D. Garritt Ltd. dated 27/06/2022 revised 26/10/2023 . The report at table 4.1 identifies the nearest noise sensitive receptors are independent dwellings. Background noise monitoring was undertaken between the 21<sup>st</sup> and the 27<sup>th</sup> of April 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.

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

*“The findings of the submitted report are the same but the author has considered the mitigation measures necessary based on cross sectional drawings being made available which enable a more accurate method of barrier calculation for sound reaching this dwelling. These cross sectional drawings show the relationship between the site and the dwelling most affected by quarry sound (Moorfield Farm).*

*Section 4 states predictions have been undertaken for when mobile workings are at their closest and furthest points, when workings are at the full quarry depth, shallow depth and also at the top/ridge. This gives six predictions of sound at Moorfield Farm, within which the majority of operating conditions should fall.*

*The predicted levels are compared with the normal activity background levels and the table within para 6.1 shows that activity from the proposed quarry is predicted to fall within the 10dB above background limit at all receptors apart from Moorfield Farm when mobile workings are closer to the farm and at shallower depths - an exceedance of 14.3dB over the background level.*

*For reference, the Minerals Guidance document 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 (LA90, 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) LAeq, 1h (free field).*

*The phasing of works commencing at the rim as shown in the table in para 6.2 show a slight exceedance at both Moorfield Farm and Upper Woodhouse Farm but the Guidance states 'Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs' and so this is accepted.*

*In the interests of transparency, the Guidance does also state 'Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed'.*

*We accept there is an element of uncertainty within the predicted levels with the report using vague language such as 'generally' 'may' or 'should' but the exceedance of 4.3dB above the maximum 10dB permitted within the Guidance is deemed to be perceptible. Whilst it fails to meet with the maximum 10dB exceedance element within the Guidance, it does meet with the final part which states, 'In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field)' and this is accepted.*

*In our comments dated 06 March 2024, we requested further information on the potential impact of vehicle movements. The applicant has submitted an e-mail from S & D Garritt Ltd. dated 18 March 2024 clarifying this point stating '...our report assumes no more than 10 HGVs per hour and the application is now for up to 30 per day. For one third of the total daily movements to take place within one hour would certainly be worst-case, unlikely even, so the report overestimates the impact from HGVs. If we were to rerun the calculations with a fewer number of HGV movements, say five per hour, this would cause a 3 dB reduction in the predicted sound levels from HGVs. This would have negligible effect on the overall predictions from the whole operation, HGV sound is not one of the dominant sources. In any case, any minor change would be a lowering (improvement) in predicted sound levels'. This reasoning is accepted."*

- 10.57 In light of the above, and to mitigate against potential detrimental impact from noise nuisance on the amenities of nearby NSR (Moorfield Farm) and to control the level of noise, appropriately worded conditions can be imposed in accordance with guidance in the NPPF and Kirklees Local Plan Policies LP36, Part 2(c) and LP52. This addresses the third reason for refusal on the 2022/93230 planning application.

**Dust:**

- 10.58 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:***

- 10.59 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.
- 10.60 The application does not fall within any of the declared AMQA's declared by Kirklees Council and as such the proposals do not require an air quality impact assessment.

***Contaminated land:***

- 10.61 At the request of Environmental Health Officers, a Phase 1 Geo-Environmental Desk Study Report, was received during the course of the application.
- 10.62 The Phase I report describes the current on-site features. The site includes agricultural fields in the south, a restored area in the southwest (used for soil stockpiling), and a former quarry/landfilled area in the north. The deepest part of the quarry is over 15m below the surrounding ground level. Stockpiles up to 5m high are described as being present in the southwest. The site is mainly surrounded by agricultural land. An appraisal of land use since the late 1800s shows the site has been used for agriculture, quarrying, and landfill. Quarrying began around 1892.
- 10.63 The environmental setting is also detailed in the report. Notably, the site is underlain by the Huddersfield White Rock Sandstone, which is underlain by the Marsden Shale Formation. The solid strata beneath the site are classified as a Secondary A Aquifer. The site is not in a coal mining reporting area.
- 10.64 The site has a licensed waste management facility associated with Windy Ridge Stone Quarry (landfills for non-biodegradable waste, not construction). The license was issued in 1996 and surrendered in 2016. The landfill comprises inert household, construction, demolition, and excavation waste. ARP suggests the quarry void will be filled with similar waste in accordance with an environmental permit. The only remains of the excavated landfill are in the stockpiled material in the southwest.
- 10.65 The risk assessment and the conceptual site model are presented in Section 6 of the report. Several potential source-pathway-receptor linkages were identified, and the overall risk associated with the proposals have been assessed as low. The report then refers to a third-party hydrogeological risk assessment, stating that the Hydrogeological Risk Assessment Update Report (SMF, October 2023) found no evidence of elevated metals from mineral extraction or waste disposal at Windy Ridge Quarry. As a result of the desk study undertaken, ARP conclude that if all licenses and permits are adhered to and no structures are proposed, the risks to on-site and off-site receptors would be minimal, and no further assessment is necessary for the proposed quarry expansion.

10.66 Based on the information presented in the Phase 1 Geo-Environmental Desk Study Report Environmental Health accept the findings of the report and are satisfied that in the event any unexpected contamination is encountered during the carrying out of the proposed works, this can be dealt with appropriately, through the imposition of a condition and footnote, which requires all works to cease, reporting of unexpected contamination and remediation to be carried out to accord with Local Plan Policy LP53 and guidance within the NPPF.

#### Drainage/flood risk & water pollution issues

##### ***Surface water/flooding:***

10.67 The application is accompanied with the following:

- Document Ref: 10193A/Contents/CJB/171123, Supporting Statement, dated November 2023.
- Drawing Ref: 10193A/04, Rev A Restoration Scheme, Rev A dated 23/01/2023.
- Drawing Ref: 10193A/02, Rev C Site Plan, dated 18/10/2023.
- Document Ref: 228/03/wrq/hra/1023 Hydrogeological Risk Assessment 2023 update

10.68 On assessment of this information, the LLFA officers advise that the proposed works will not affect any chartered watercourses and does not appear to increase the risk of flooding to the site or surrounding properties due to infiltration into the underlying permeable soils/strata. This is backed up by their earlier advice on the 2022/93230 application, stating that the HRA indicates that Cartworth Moor is underlain by free draining sandstone (Huddersfield White Rock) and 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.

10.69 Likewise the Environment Agency (EA), on assessment of the proposals has recommended advisory notes including one in relation to ground water protection. The EA, on the 2022/93230 application commented 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 raised no objections. Advisory notes for the applicant were included in their response to ensure the appropriate EA permits are sought where necessary.

##### ***Impact on private water supplies and watercourses:***

10.70 One of the reasons for refusal on the 2022/93230 application relates to insufficient information received in relation to the impact on the private water supplies serving a number of independent properties in the vicinity of the application site. Local concerns are again received in relation to this matter.

10.71 Subsequent, to the determination of the 2022/93230 planning application, clarity was sought from both the EA and Environmental Health Services as to who is the regulatory body for these ground water receptors. EA has confirmed that it does not have a statutory role through Planning to comment on pollution prevention matters and responsibility lies with the developer/site operator to ensure their activities do not cause pollution. The EA is still however, the regulatory body for watercourses and any such instance where it pollution is observed, this must be reported to the EA.



- 10.72 The EA has also confirmed following reports of possible impacts to the nearby watercourse (River Ribble) they carried out an inspection on 15<sup>th</sup> March 2024 to a section of the Ribble where the EA is aware of historic silt pollution incidents. At the time of their inspection the EA advised not only that there was no impact observed from any possible recent events and if there was an incident, it had no lasting impact.
- 10.73 Similarly, whilst the Council's Environmental Health Service is the regulatory body for private water supplies, the impact of such receptors is considered outside the remit of planning under a separate arm of Environmental Health Services and through 'The Private Water Supply Regulations' which is the primary legislation to deal with the provision and protection of private water supplies.
- 10.74 Irrespective of the above, this remains a material planning consideration whereby development needs to be carried out without adverse impact on the environment including any ground water receptors.
- 10.75 To address this issue, the application is accompanied with an updated Hydrogeological Risk Assessment (HRA) dated 03/10/2023. This now provides additional baseline information and an expanded assessment of potential risk to water resources, including private water supplies. The HRA also references condition 10 of the existing quarry permission which states "*No workings or extraction of mineral within the site shall take place below a level of 323 metres AOD*", as a result of the proposals before Members, a similar condition will need to be included taking into account the proposals to deepen the existing quarry and to extend it onto adjoining land, as proposed.
- 10.76 Turning to the updated information within the HRA, the findings of which conclude:
- on the basis that quarry excavation is restricted to the base of the Huddersfield White Rock and that excavation areas continue to be free-draining (as proposed) the proposed deepening and extension of Windy Ridge Quarry is unlikely to have any significant effect on existing resource availability at local groundwater receptors.
  - The backfilling and restoration of excavation areas has the potential to result in a reduction in ground permeability and hence a reduction in recharge to groundwater systems.
  - On the basis of available data, it is concluded that there would be low risk of silt migration from extended quarry workings to local springs or other local groundwater receptors.
  - Without any form of additional source control or engineered containment, the deposition of inert waste materials in an extended quarry excavation could result in a discernible release of hazardous substances to groundwater.

10.77 It is important to note however, that the HRA goes onto state that:

*“if unmitigated, the proposed development could have significant adverse impact on local water resources”*

as such mitigation measures are recommended, to be incorporated into the development design during operations some of which will need to be incorporated (installation of lining) prior to landfill operations and during restoration works (drainage scheme). These measures include as set out in section 6 of the HRA:

- Limiting the depth of excavation to the base of the Huddersfield White Rock in all areas of the Site;
- Retaining a minimum unsaturated zone of 5m (increasing to 18m at the southern boundary)
- Installation of an artificial clay lining system on the excavation floor and faces with minimum specification of 0.5m thickness and hydraulic conductivity of  $1 \times 10^{-9}$  m/s (or 1.0m thickness and  $k = 1 \times 10^{-7}$  m/s); and
- Installation of a restoration drainage scheme based on discharge of surface runoff to undisturbed ground by use of peripheral soakaway systems.

10.78 The HRA concludes the above measures would act to effectively mitigate any adverse effect on local water resources, including natural spring sources, wells, surface water features, licenced abstractions and private water supplies. Furthermore, the HRA recommends that the actions set out below to be undertaken to provide a basis for continuous groundwater monitoring and management by the:

- Installation of a minimum of three new groundwater monitoring borehole around the periphery of the Site.
- Development and implementation of a Site-wide Pollution Prevention and Emergency Action Plan.
- Development and implementation of an effective internal Surface Water Management Strategy.
- Development and implementation of a Groundwater Level and Quality Monitoring Plan.

10.79 Subject to the full implementation of the proposed mitigation, management and monitoring measures, as set out in the HRA (to be conditioned) it is considered that the proposals to deepen and extend the existing quarry, with restoration by inert waste infilling, could be undertaken without adverse risk on local water resources. It would be necessary and reasonable to word the condition requiring written verification from the applicant that the above mitigation measures and the monitoring/management actions are incorporated at the relevant stages of the development before commencing onto the next

stage/phase. To conclude the submitted information demonstrates sufficiently how the proposals could be carried out, without detrimental effects on the existing private water supplies serving a number of properties in the vicinity of the application site, in accordance with Kirklees Local Plan policies LP34, LP36 Part 1 (c) and Part 2 (e) and guidance in the National Planning Policy Framework. This addresses the previous reason for refusal in relation to impact on private water supplies.

- 10.80 It is also important to note that the site operator has a duty of carrying out safe working procedures as required by the Quarries Regulations 1999.

Highway & PROW issues:

- 10.81 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.

- 10.82 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.

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

10.84 **Development Overview:**

The proposals seek to extend the life of the quarry and to increase HGV movements from 16 two way to 30 two movements (15 in and 15 out) per day to anticipated end date to 2043. it should be noted that this figure is a reduced number than originally applied for as detailed in the submitted TA. 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, November 2023, 1769(C)  
Highway Improvements Drawing, Drawing No. 1769-HGN-DR-CH-001A  
Prelim Access Proposal, Drawing No. 1769 201, Dated 22/08/2022.  
HGV routing plan, Drawing No 10193/S106Traffic route/CJB, dated  
12/03/2024

**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.

**10.85 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 in principle 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 to a design to be agreed with the MPA and removing the HGV trips associated with the quarry. These matters can be addressed by conditions.

**10 86 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 White Gate Road, Linshaws Road, Bare Bones Road, Flight Hill and Law Common Road. Further to submission or HGV routing plan (ref 10193/S106Traffic route/CJB, dated 12/03/2024) a suitable condition will be suggested to ensure this arrangement is adhered to.

**10.87 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.

- 10.88 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'.
- 10.89 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.
- 10.90 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.
- 10.91 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.
- 10.92 It is noted that the Applicant is offering highway improvement/ resurfacing work on Cartworth Moor Road to help mitigate the increase in HGV movements, including the provision of two additional passing places which are allegedly created. Notwithstanding the submitted plan to improve Cartworth Moor Road (1769-HGN-DR-CH-001A), conditions will be required to cover this aspect of works, along 980m length of Cartworth Moor Road, to a specification to be agreed in writing by the MPA, following an initial joint inspection to be undertaken by the Council and the site operator/applicant, and then every six months. It should be noted that any improvement works identified at the initial joint inspection/survey and subsequently will need to be carried out by an approved highway contractor at the expense of the applicant. The improvement works including the passing places will need to be carried out and completed prior to the intensification of HGV's in association with the quarry operations as proposed.

10.93 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. An annual maintenance fee of £50,000 has been agreed with the applicant to be secured by a S106 Agreement. Of this, £25,000 per annum will be released to Barnsley District Council to maintain the HGV route that falls within their jurisdiction.

10.94 ***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 initially sought to increase the number of daily trips to a maximum number of 40 HGV movements per day. However, HDM consider that a figure of 30 HGV (15 in – 15 out) per day is more appropriate.

10.95 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 by the end of 2043.

10.96 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 December 2043.

10.97 During the first 12 years, the quarry would export 10 loads of stone per day, with 5 loads of waste material imported per day, and 4 loads of recycled materials exported (as return loads). Therefore, should all imported vehicles have return loads this would provide some 30 HGV movements per day.

10.98 HDM consider that no more than 30 two-way vehicle movements per day should be permitted throughout the carrying out of all the operations including the importation and exportation of waste/recyclable materials to and from the site. This is to be restricted by condition.

10.99 In summary, subject to the works being carried out in accordance with the above and an annual maintenance fee of £50,000 being secured through a Section 106, legal agreement, it is considered the proposals as submitted can be carried out without causing an adverse impact on the highway network and highway safety of all users of these roads, in accordance with Local Plan policies LP21 and LP36 and guidance within the NPPF.

10.100 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:***

10.101 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 previously 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. Due to the nature and frequency of quarry associated traffic there is likely to be an ongoing issue with surface condition on the part of bridleway HOL/94/10 and a degree of ongoing conflict with vulnerable users, particularly if the requested increase permitted vehicle movements is authorised. An increase in the permitted number of permitted HGV movements along the public bridleway from 16 per day to 40 is not acceptable and as such Kirklees PROW Team OBJECT to any increase in HGV movement along the bridleway HOL/94/10.Kirklees

10.102 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 two 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.

10.103 Paragraph 104 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.

10.104 Local concerns were received during the course of the application, in relation to conflict between quarry traffic and other users of CMR. The PROW consider it appropriate to comment on the impact on bridleway Holmfirth 94 (HOL/94/10) - the current quarry access, CMR - particularly the part which does not have a sealed surface, and on the potential impact on the safety and enjoyment of use of these and other roads by vulnerable highway users. PROW officers comment that:

*“ the current proposal includes construction of a new access road leading directly on to CMR, 180m south of bridleway HOL/94/10, thus removing the requirement for quarry traffic to take access via the bridleway. It is indicated at para. 4.6 in the supporting statement that the existing access road (i.e the bridleway) would cease to be used and ‘re-instated’ at a point during Phase 1 “as soon as infill had progress to the extent where the new access road had been formed with ramp down on to the quarry floor”. Para 4.13 describes the proposed new access road being brought into use within 24 months of a grant of permission. This leaves a considerable period of time during which use of the bridleway would continue to be used by quarry traffic, including up to 40 HGV movements per day. Any increase in the permitted number of HGV movements using bridleway HOL/94/10 is considered unacceptable, even if the time period during which use takes place is limited.*

*While we object to this planning application in general. If and only if the development is otherwise considered acceptable and recommended for approval, the PROW team requests that a condition be imposed limiting permitted HGV movements to the currently permitted level (8 in 8 out) until any*

*new access road has been brought into use. Thereafter use of bridleway HOL/94/10 by all quarry-associated traffic must cease, with all access to the quarry being via the new access road.*

10.105 In the interest of highway safety for all users of the highway including the bridleway, and to accord with Local Plan policy LP23 and guidance in the NPPF, it will be necessary and reasonable to limit the HGV movements to the currently permitted level (8 in 8 out), until the new proposed access road has been completed and made operational, in accordance with details to have been submitted and approved by the MPA. The existing access onto the bridleway HOL/94/10 shall thereafter be permanently closed off for vehicular access. This again can be addressed by condition. In addition to these conditions, as no details have been submitted showing the parking of all quarry associated traffic within the application red line, these details will also be sought through an appropriately worded condition.

10.106 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 CMR 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”.*

10.107 In light of the above, the PROW Team have considered the impact that the application would have on the public's enjoyment of CMR with particular reference to the potential impact on use of the unsealed part by pedestrian equestrians and cyclists.

10.108 Deterioration in the surface condition of the unsealed part of CMR, due to HGV traffic, was a significant factor when the previous application was being considered. PROW officers advise that the numbers of daily HGV movement from Windy Ridge Quarry in the winter of 2022/2023 had been well in excess of the 16 daily movements formally approved and may have been similar to that now being proposed for approval. The deterioration of the surface of CMR resulted in extensive repair work being carried out by and at the expense of the quarry operator and formal temporary closure of CMR being in place for a number of months in 2023. The repair work has resulted in some change in character of the route, with a loss of verges in some places.

10.109 The general unsuitability of CMR to sustain the level and type of vehicular traffic proposed will be addressed in the current application through the applicant's willingness and offer of highway improvement/ resurfacing works along CMR, as discussed as paragraph 10.92. This will mitigate the potential damage from the intensified use by HGV's.



- 10.110 Turning to the potential for conflict between vehicles and vulnerable users on CMR, particularly due to the proposed increase in HGV traffic. 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 and a loss of or narrowing of verges in some places as a result of the repair work in 2023. 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. The usable width of verges may be constrained in places by roadside ditches.
- 10.111 PROW officers concerns are that 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. Acknowledging the two additional passing places, PROW officers concerns remain, in that 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.
- 10.112 Accepting PROW officers concerns relating to the conflict between pedestrians, cyclists and equestrians along the route of CMR, officers consider that subject to the DM Highway officer's conditions and securing an annual highway maintenance fee for the roads on the HGV route, the potential conflict would be improved beyond the current situation.
- 10.113 In summary the proposals, subject to the measures discussed above to be conditioned, is considered can be accommodated without causing material highway safety impacts to all users of the wider highway network including CMR, in accordance with guidance in the NPPF and Kirklees Local Plan Policies LP21, LP23, and LP36 (points c, d and f).

#### Representations

- 10.114 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.

#### Other Matters

##### ***Conditions:***

- 10.115 The current proposals seek retrospective permission in part, for some of the works as described in paragraphs 3.1, 10.7 and 10.26, having already been carried out/ implemented. In view of this, it will not be reasonable nor precise to impose the standard condition for works to commence within three years. It

would however be necessary and reasonable to include a condition setting out the end date (to December 2043), by which all works shall cease and site to be fully restored, in accordance with approved restoration details which shall include 10% biodiversity net gain.

- 10.116 Details required under certain conditions will need to include trigger points for example, “*within three months of the date of permission being granted, or the increase in HGV’s movement as approved shall not be exercised*” until certain details have been submitted to and approved in writing by the MPA thereafter works completed in accordance with the approved details.

#### Planning obligations

- 10.117 In the event the application is approved, as set out in paragraph 10.93, the Applicant is agreeable to enter into a legal agreement to pay an annual highway maintenance fee of £50, 000 for the duration of the permission up until complete restoration of the site. The maintenance fee is to be shared equally with Barnsley District Council to allow them to maintain the HGV route that falls within their jurisdiction.

### **11.0 CONCLUSION**

- 11.1 The proposals would result in the extension of an existing operational quarry. The submitted information has sufficiently demonstrated that the demand for the high quality masonry stone which is proposed to be sourced from the site, is unmet both locally and nationally. Furthermore, the proposals are now accompanied by sufficient information to demonstrate how the impacts as set out in the above assessment could be satisfactorily controlled through appropriate mitigation measures, addressing the reasons for refusal on the 2022/93230 planning application.
- 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, subject to conditions and the planning obligation to be secured via a Section 106 agreement

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

#### **1. Time limits/restrictions**

- Period of mineral extraction (to cease by 31st Dec 2028) and completion of site restoration (by 31st Dec 2030), in accordance with an approved restoration scheme
- Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction is abandoned/ceases
- Requirement to have all approved documents on site for the duration of operations for inspection

- 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
- Submission of Biodiversity Net Gain (BNG) using the most up to date BNG Metric calculation
- Full recommendations, mitigation and monitoring measures of the submitted Hydrogeological Risk Assessment (HRA) to be employed at the relevant stages of the development, as specified in the HRA. Written verification to be submitted to MPA before continuing onto each stage, verifying works done fully in accordance with HRA.
- Restriction on depth and extent of mineral workings in accordance with plan HRA and cross sectional drawings

## **2. Plans**

- works to be carried out in accordance with approved details/plans

## **3. Access and vehicular movements**

- Restrictions on numbers of heavy vehicle movements (to not exceed 15 in and 15 out) any one day
- HGV's to follow route as shown on HGV routing plan ref (10193/S106Traffic route/CJB)
- There shall be no increase in HGV movement as approved, until reconstruction of the unsealed "maintained in character" only section of Cartworth Moor Road, subsequent to an initial joint inspection with site operator/council representatives have been carried out. Specification details for verges, drainage run offs and passing places shall be submitted to and approved in writing by the MPA and works completed (at the cost of the applicant/site operator) in accordance with approved details. Thereafter six monthly joint inspections with site operator/council representative, to be carried out and any defects observed shall be rectified at the cost of the applicant within an agreed timescale by the MPA.
- There shall be no increase in HGV movement, as approved, until a joint survey with an appropriate Council representative and site operator/applicant has been carried out to assess the existing condition of the highways along the HGV route. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining details. Thereafter works shall be completed in accordance with specification details to be submitted to and approved in writing by the MPA and subsidised by the annual highway maintenance fees. Subsequently, six monthly joint inspections with site operator/council representatives, to be carried out until site is fully restored. Any defects observed shall be rectified within an approved timescale and subsidised by the annual highway maintenance fees.
- Within 1 month from the date of permission being granted details of wheel bath to be submitted and approved in writing by MPA. The wheel bath shall be provided in the location approved before bringing into operation the new approved access road and thereafter be maintained in good operational condition and used for wheel cleaning for the lifetime of the permission.
- HGV wheels and chassis to be cleaned before entering highway
- All loaded HGVs leaving the site to be sheeted
- Permanent closure of existing vehicular access, details of which shall need to be approved by MPA and implemented up on bringing into use the new access road

- Plan showing parking provision for quarry associated vehicles/traffic within the application red line
- Reinstatement of bridleway in accordance with details to be submitted and approved and approved timescale

#### **4. Preparatory works**

- Screen bunds to be constructed using on site material only as per submitted details and as per noise assessment

#### **5. Soil stripping**

- All topsoils and subsoil to be stripped and stored prior to mineral excavation
- Plant of vehicles not to cross unstripped areas of the site
- Following soil stripping the MPA to be advised of volumes of topsoil and subsoil
- MPA to be given at least 7 days' notice prior to soil stripping operations
- Soils storage mound to be maintained in good condition grassed within 3 months and maintained to control weeds

#### **6. Working programme**

- Requirement to notify MPA at commencement of works involving site preparation, entering a new phase, completion of backfill, completion of phased restoration, completion of final restoration

#### **7 Restoration**

- Notwithstanding submitted restoration plan an amended restoration plan with full details to be submitted and approved with full details including 10 % BNG
  - Submission of soft landscaping details

#### **8. Soil replacement during restoration**

- No overburden to be removed from the site or stored above existing ground levels
- Site to be progressively restored as indicated on submitted phases
- Subsoil and topsoil to be spread at specific depths and to be worked to provide a satisfactory medium for planting
- The MPA to be given 7 days' notice prior to the spreading of sub soil or top soil
- Any area of grass seeding fails, it will be re-seeded within the next available Planting season
- All site infrastructure to be removed including access road with land reinstated to the levels shown on restoration levels drawing completion of restoration works in accordance with soft landscaping details

#### **9. Amenity**

- Hours for operation of the quarry in accordance with those suggested by Environmental Services
- Site operations to comply with stipulated noise levels at site boundary as recommended
- Site to operate in accordance with dust management scheme to be submitted & approved by MPA
- No fires or blasting at the site
- Reporting of unexpected contamination

## **10. Aftercare**

- Requirement to provide an outline aftercare scheme
- Requirement to provide a detailed annual aftercare scheme
- Requirement to arrange an annual aftercare meeting

### **Background Papers:**

Application and history files see assessment above

Website link below

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93449>

Certificate of Ownership –Certificate B signed: