
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 06-Mar-2025

Subject: Planning Application 2023/91280 Quarrying operations for the extraction of clay, shale and incidental coal and subsequent restoration by means of importation of inert wastes

Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD

APPLICANT

Phillip Shenton, Wavin
UK Ltd

DATE VALID

06-Jun-2023

TARGET DATE

05-Sep-2023

EXTENSION EXPIRY DATE

28-Feb-2025

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Denby Dale

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

1.0 INTRODUCTION:

- 1.1 This is a full planning application to carry out quarrying operations for the extraction of mineral (clay and shale with some incidental coal) of approximately 760,000 tonnes over an area of 8.4 hectares and restoration by means of importing inert waste/materials over a period of 25 years, to 31/03/2050.
- 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.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is owned by Wavin Ltd, a leading supplier of water management, plumbing and drainage systems for the building, construction and utilities markets. The site is situated within broadly undulating topography forming and surrounded by agricultural land bounded by dry stone walls with some substantial woodland blocks.
- 2.2 The site is adjacent to two former quarries, south east and south west where mineral extraction (dating back to 1960's) was ceased some years ago, with the sites being fully restored by 2022. A small Household Waste Recycling Centre (HWRC) is situated approximately 150 metres to the south west. Both the former quarries were served by tracks branching off the access road, which continues to serves the HWRC, from Barnsley Road, which lies south of the application site.
- 2.3 The nearest residential areas to the site are Upper Cumberworth, which is situated to the west, and Lower Cumberworth, which is approximately 650m to the east. The larger settlement of Denby Dale is over 1km to the south-east. Residential properties are located along Cumberworth Lane, with the closest property Lane Side Farm, approximately 60 metres to the north west, on Cumberworth Lane.

2.4 Public Right of Way (PROW) DEN/84/10, situated to the south cuts across the existing access road which serves the HWRC and would be adjacent to the proposed track which will serve the proposed quarry.

3.0 PROPOSAL:

3.1 The proposals would include:

- creation of a new access track branching off the existing access road serving the HWRC. (This is similar to the implemented permission 2012/93497, which included a new access).
- additional tree planting adjacent to Cumberworth Lane and PROW
- widening of the existing access road to 6m, along its full length as shown on drawing No 22007/519, Rev B, 28/01/2025
- provision of wheel washing facilities and porta cabin/site office as shown on drawing No 22007/513, Rev B
- Stripping of soils and creation of screening bunds with an overall height of no more than 5m.
- the extraction of fireclay and shales (approximately 760,000 tonnes) which would be transported approximately 5km to the Wavin Hazelhead Works factory, south east of the site to Crow Edge in Barnsley, for storage and the subsequent use in the manufacturing of clay pipes.
- extraction of incidental coal (approximately 10,000 tonnes)
- extraction to be an approximate average of 30,000 tonnes per annum, but would fluctuate subject to market demand. The mineral would be extracted on a campaign basis, typically between March to September.
- The extraction would be split into five phases (referred to as 'cuts').
- the site would be worked to a depth of 16 metres.
- 120 HGV movements per day (60 in and 60 out)
- Restoration / backfill to commence when extraction reaches cut 3 of the workings.
- use of a 360 hydraulic excavator to lift the clay and shale and a dozer to reinstate the topsoil for restoration
- backfill of the quarry void would be via inferior quality mineral, shale overburden, and approximately 380,000 cubic metres of imported inert waste/materials to enable the site to be this restored back to original ground levels to agricultural grassland with areas of species rich grassland, shrub and tree planting.

3.2 Following the stripping of top and sub soils, the site is proposed to be worked from west to east in five approximately 30m wide cuts. It is not proposed to have any fixed plant operational in the quarry as all extractive products would be taken from the working area to the processing works at Crow Edge for clay pipe manufacture. Inert waste/materials importation would be required to restore the site back to original ground levels to enable restoration back to agricultural use with additional biodiversity enhancements. As noted above, the 25 years would include infill by inert waste for restoration, which is stated, could commence when extraction reaches cut 3 of the workings.

3.3 Operating hours are proposed to be:

- Monday to Friday: 0730 and 1800
- Saturday: 0700 and 1300
- no operations/working on Sundays and Bank Holidays

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 There is no specific planning history related to the application site. The applications listed below relate to the former quarries which lay south east and south west of the site. Although the two former quarries are now restored, the list below gives an indication of how long quarry operations existed in the area, previously.

IDO/421/PR1 - First periodic review for proposed opencast clay mining – approved of a scheme of conditions - 21/05/2010

DD/1686 – work clay by open cast methods - approved 17/02/60

DD/4440 – Extraction of Clay, Shale and Clay - approved 26/07/71

DD/5346 – Extraction of Shale, Fireclay and Coal - approved 25/03/74

2012/62/93497 - Importation of inert materials to stabilise the quarry faces and amend the restoration profile, also for the formation of a secondary site access- approved 10/07/2013

2014/70/93888/E - Variation of condition 3 (waste) on previous permission no. 2012/93497 Application for the importation of inert materials to stabilise the quarry faces and amend the restoration profile, also for the formation of a secondary site access – approved 20/03/2015

2019/91960 - Variation of condition 3 (time) on previous permission 2014/93888 for variation of condition 3 (waste) on previous permission 2012/93497 for importation of inert materials to stabilise quarry faces and amend restoration profile, also for formation of secondary site access- approved 14/0/2019

2020/93664 - Variation of condition 2 (time limit to allow importation of inert waste and site restoration) on previous permission 2019/91960 for variation of condition 3 (waste) on previous permission 2014/93888 for variation of condition 3 (waste) on previous permission 2012/93497 for importation of inert materials to stabilise quarry faces and amend restoration profile, also for formation of secondary site access – approved 17/02/2021

2021/93200 - Variation conditions 13, 18, 21, 22, 23 on previous permission 2020/93664 for variation condition 2 (time limit for importation of inert waste and site restoration) on previous permission 2019/91960 for variation of condition 3 (waste) on previous permission 2014/93888 for variation of condition 3 (waste) on previous permission 2012/93497 for importation of inert materials to stabilise quarry faces and amend restoration profile, also for formation of secondary site access – refused 22/05/2022

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

5.1 Lengthy discussions have taken place between the applicant and officers during the course of the application. These principally resulted in an amendment to the description of the proposals (to omit extension) and receiving revised details, in relation to highway, air quality, noise, landscape and contamination issues, amongst other matters. Whist most of the matters

are addressed through the receipt of additional and revised details/plans, conditions, some of which may be pre-commencement conditions, are still required to ensure certain details are submitted and approved for completeness and compliance with relevant Local Plan Policies and NPPF guidance.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site lies within a wider area of Green Belt land identified in the Kirklees Development Plan and forms part of a larger area of an accepted Minerals Extraction Site (MES12).

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP21 – Highways and access
- LP23 – Core walking and cycling network
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP31 - Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 - Trees
- LP34 – Conserving and enhancing water environment
- LP35 - Historic 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

Supplementary Planning Guidance / Documents

6.4 National Planning Policy for Waste 2014

National Planning Policy and Guidance

6.5 The National Planning Policy Framework (2024) 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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

Climate change

6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.8 On 12/11/2019 the council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The current application was advertised by the council as affecting a public right of way (DEN/84/10) and as a Major development.

7.2 The application was advertised by the council by site notices, a press notice and letters delivered to addresses close to the application site, in line with the council’s adopted Statement of Community Involvement. The end date for the publicity was 29/11/2023.

7.3 As a result of the public consultation, 248 representations have been received, along with a petition from the community of Cumberworth including the Cumberworth Quarry Action Group with 152 signatures. Four additional comments with evidence in the form of surveys carried out by local residents. One letter in support. A summary of the responses and the main issues raised within them is set out below:

Impact on Green Belt/open space and PROW:

- The widening of the road will further cut into green space and the existing public footpaths.
- 5m high mounds will detract from the characteristics of the area
- Loss of green belt land

Impact on environment & residential amenity:

- Loss of wildlife/animal habitat, protected species, feeding and foraging area for wildlife
- Existing trees and hedges (to be removed) are an important part of the characteristics of the area
- Air quality concerns from associated HGV trips. The increase in HGV traffic will have a negative impact on carbon emissions and climate change.
- Dust/noise concerns during mineral extraction works for a period of 25 years and adverse impact on health of local residents/area from operations
- Proposed hours of operations are excessively early and late in the day when noise pollution is more evident and disturbing.
- Landfill/ mine gas potential hazards as stated in submitted reports
- Has diesel soot from proposed HGV's been considered into impact on emissions?
- Mud/slurry would be carried onto Barnsley Road from traffic associated with proposals
- Light pollution from headlights of vehicles in winter months
- Adding additional silt and debris would impact on nearby streams and rivers and impacts villages further down the valley.
- Massive impact on surrounding residential areas (including Bluehills Lane) from air pollution, noise, dust, and traffic
- Proposals will affect the amenities of nearby residential properties (noise and dust pollution)
- Adverse noise and air pollution on nearby play Eunice Lane play area
- Proposals will cause significant deterioration to the living conditions and quality of life for many local residents
- The noise impact assessment fails to identify the large impact on all those who use the nearby footpaths.
- Landscape and visual assessment amended yet no assessment of value of trees or protection of woodland from contamination
- No update to dust management plan/Phase 2
- Clarity on HGV movements needed
- Re- review of noise is requested due to incorrect/base line dataset which is likely to undermine true noise impact

Impact on highways and safety concerns:

- Existing access road off Barnsley Road is already a hazard, too narrow and could not accommodate additional HGV's/vehicles to serve the proposals
- Proposals will exacerbate highway safety issues at the Sovereign crossroads and Carr Hill Road as well as surrounding highway infrastructure and existing access road from Barnsley Road
- Substantial impact on highway safety from the proposed 120 HGV movements per day over a period of 25 years
- The HGVs will continue to travel along narrow, winding country roads to Crows Edge, a route frequented by horses and cyclists.
- PROW crosses the existing access road

- The proposed access road to the quarry is a great concern, shared with traffic to the recycling centre
- If approved both the recycle centre and proposed development will probably come to a standstill as access road serving both sites is not wide enough to allow cars in both directions to pass stationary waggons
- incoming waggons reaching the junction by the Star Pub, would interfere with children/parents for the first school who have permission to park in the Star car park
- Carr hill Road is a traffic rat run with a 30 mph speed limit not enforced and 3.5 tonne limit (coming down) that is violated. 3.5 tonne limit should be imposed in both directions, unsuitable for
- The current road speed on the A635 (40mph) is too fast for large vehicles to turn into and out of HWRC and possibly Carr Hill road.
- Extra HGV movements will be a massive increase and create possibility of vibration damage
- increase in HGVs using this road to and from the quarry will impact negatively on residents, horse riders, cyclists and hikers using this area,
- The road network between Bromley Farm and Crow Edge is generally narrow, winding, country roads, often used by pedestrians, horse riders, and cyclists. Increased HGV quarry traffic on this type of road is unsafe for these users.
- dangerous 'Sovereign Junction'. What studies or research has been done regarding the impact 120 HGVs using this junction per day will have
- Any increase in the volume of traffic, especially by heavily-laden wagons transporting quarried materials, would considerably increase the dangers and hazards in the village.
- The Transport Statement does not take into account the routes the HGV's will take to and from the access road nor the impact there will be on residential areas.
- The route to Crow Edge has not been addressed. This will highly likely be Carr Hill Road which is already accessed as a short cut by HGV's and other traffic. It is a busy residential road with no pavement apart from the bottom of the road and is used by cyclists, walkers, children and horse riders. Increasing the number of HGV's will cause pollution, noise and disruption to surrounding areas
- What safety measures, alternative routes or traffic calming measures or actions are being considered, and what liaison is taking place with Barnsley planning department as the roads we live on and use fall between Kirklees and Barnsley.
- The consideration of highway access to the site in the "Traffic Statement" only goes as far as the junction between the existing access road and the A635. As the submission doesn't consider traffic beyond the junction on the basis that the A635 is a major road it fails to recognise the reality that the proposed traffic will only be on this road for around 500m.
- traffic should be regulated away from residential areas and various other small developments which are served by Carr Hill Road
- No HGV routing plan
- Transport statement takes no consideration to the impact on the road network beyond the immediate vicinity of the site.
- There is little doubt that all of these extra HGV's would use this route, placing horse's cyclist's and pedestrians at a much increased risk on surrounding highway networks .
- There are no pavements up Carr Hill Road, where are local cyclists, Horse riders & dog walkers supposed to get out of the way of these vehicles whilst negotiating parked cars?

- The declared transport route requires a left turn at the Sovereign cross roads which must be one of the most dangerous cross roads in Kirklees and then a subsequent and difficult right turn for such a large articulated bulk carrier into the completely inadequate Cumberworth Lane.

Other concerns:

- Proposals would be an eye sore, despite the bund screening
- There is no employment benefit from the proposals
- the development will safeguard employment in South Yorkshire, none in Kirklees.
- Out of keeping with the wider rural area
- Publicity period not long enough
- Proposals not compatible with Kirklees vision for a Net Zero and Climate Ready Kirklees by 2038 and conflict with the West Yorkshire Low Emissions Strategy
- further land excavation could lead to land subsidence and damage nearby house
- Will every load coming onto the site be checked to ensure there are no toxic substances, dangerous chemicals or fire hazards hidden in the "inert"
- Has impact of proposals taken into account potential problems/dangers relating to flooding, for the residents of Lower Cumberworth
- Submission documents refer to proposals in Grantham not Kirklees
- The noise pollution, environmental pollution and threat to wildlife also need considering for the route beyond Cumberworth.
- Blocked culvert under highway which has collapsed due to the already heavy HGV traffic which travels across the junction to the Plevin/Wavin Site amongst others.
- The Air quality report submitted is for a site in Grantham not Upper Cumberworth
- Misleading and inaccurate information submitted
- Proposals do not take into account the cumulative impact of the other planned and approved developments including operational quarries in the area
- Revised information does not address previous highlighted local concerns

Concerns noted:

- This will be a new quarry not an extension to an existing quarry. The Old Bromley Quarry, was first given permission to start quarrying in 1974 stopped working in either 2014 or 2015
- speeding and driving too close to pedestrians is a known problem for residents prompting numerous police meetings
- close proximity to Cumberworth school as such the proposed quarry is an unsuitable site and will adversely impact on children's health and those living in the nearby conservation area as well as wildlife
- stipulation should be to use the larger main roads down to New Mill and then on up to Crow Edge.
- the applicant should set up a trust/annual fund that residents and organisations in the two villages (Upper and Lower Cumberworth) affected can draw on, from on going disruption over the whole period of the proposals and should be index linked to inflation.
- Some consultee responses are brief in detail.
- Council should consider providing traffic lights at the "Sovereign crossroads"
- Quarry operations will impact agricultural activity
- Areas within the site should commence restoration, once worked and not wait until the end of all excavations.

- Often lorries do not use existing A roads but take the shortest route possible be that B roads or smaller, this is already an issue and in part contributed to the council altering the usage of Carr Hill Lane.
- No pre application community consultation carried out
- Contrary to Local Plan Policies including LP21 and LP36
- If new traffic lights or islands prove to be needed, it is grossly unfair this cost should fall to council tax payers.
- an enforceable restriction should be put in place that HGV's stick to agreed designated route

None planning related concerns:

- *Reduction in house prices*
- Council have failed to respond to a Freedom of Information request

7.4 New and revised plans/details received early January 2025 in relation to addressing highway matters, resulted in the carrying out of another round of publicity. Neighbour letters were sent out to all interested parties who had previously made comment and those initially notified of the proposals on receipt of the application. The end date for the final publicity was 18/02/2025. To date, forty-two further representations are received. The mains issues and concerns raised are summarised below:

Highway matters/concerns

- The new/revised HGV route may be fine to get the application passed. Drivers will use the short cut up to Carr hill Road, which has no pavements and already used daily by 8 wheel trucks, both ways
- Grass verges over time expanded along Barnsley Road, footpath needs widening to ensure safety of users of it
- Restrictions should be imposed to restrict HGV on Barnsley Road during school pick up and drop off as well as lunch times
- New details indicate articulated trucks using the route. Vehicle type and weight limit should be restricted.
- Who is going to monitor the HGV movements to ensure the proposed routing is used?
- The revised Paragon Highways assessment is contradictory in the information and conclusion does not take account of people/pedestrians using the junction by the post office & the star (Cumberworth Lane / Barnsley Road).
- Still not clear what type/size of vehicle is to be used.
- HGV movements to/from the household waste recycling centre not been taken into account, nor match operating times of this facility
- The Sovereign crossroads is notoriously dangerous and will become more so with the addition of a further high volume of HGVs
- Traffic lights should be considered at the sovereign junction crossing and redesign of the New Mill junction to prevent bottleneck
- According to 4.7 the junction operates within theoretical capacity but over normal requirements with Holmfirth, Barnsley and Penistone arms 'struggling with existing volumes' There is no risk assessment evident in the modelling and I cannot believe Highways can accept this.?
- there is no 'reasonably safe' route from Bromley Farm to the Wavin plant.
- Does the Council not have a duty to consider the 'cumulative' effect of adding these proposed additional movement to existing quarry/HGV movement and projected traffic from the very large number of houses being built?

- There are no additional cross-drainage channels indicated on the sloping access road, so that water coming from the vehicles is channelled away into a soakaway and not directly onto the highway
- No consideration to the residents of Upper Cumberworth, who will have 120 extra HGVs going past their properties
- Proposed hours of operation completely unreasonable
- compensation to be provided to residents who will be negatively affected by the increased disruption, noise and pollution.
- The proposed HGV movement on the surrounding highway infrastructure will increase highway safety concerns and risks of accidents for all users
- Cumberworth Lane has seen a huge increase in HGV wagons. The road is extremely hazardous between the Post Office, local Infant School and the Church, especially between 3pm -6pm. The school has got no staff parking and the proposed site has also got an entrance on this road
- Object to the amount of heavy vehicle traffic that will come down Penistone Road and into New Mill Village centre
- Highway infrastructure cannot support this additional traffic
- No accident data has been included? Have West Yorkshire Police been consulted? Where is your impact analysis of the new route? Risk assessments
- Access road should be 8.92m wide not 6m
- Adding regular HGV lorry traffic to the already dangerous junction will result in even more accidents.
- Roads are already substandard in surface, visibility splays, lighting, footpaths and require maintaining. Additional HGV traffic will make them far worse
- Carr Hill Lane will become more of a Rat Run for all the cars that do not want to wait behind a HGV trying to cross at the Sovereign junction.
- The proposed transport route does not consider statutory HGV laws and the potential use of unsuitable roads by HGVs. This oversight could lead to increased traffic and safety risks in the community
- The traffic survey data used is outdated and inaccurate. A detailed survey conducted by the Cumberworth Community in February 2024 provides a more accurate representation of traffic conditions, indicating a significant increase in HGV movements. This data should be considered over the Department for Transport's 2019 data.

Environmental Health & other concerns:

- The Supreme Court judgement in *Finch v Surrey CC* conveys a requirement for planning authorities to consider the carbon footprint resulting from extraction/conversion/use/disposal not only for new applications but those in progress but as yet undecided. This may well fall into scope but there is no such assessment in this application.
- Increase environmental health impacts on residents of surrounding area from air, noise, odour and dirt/dust pollution, poor drainage
- loss of wildlife
- Does Kirklees know what the current pollution levels are in the village, the volume of traffic that passes through the village and the speed the traffic is going?
- Concern for the amount of particulate matter (PM10) that will be released into the immediate area exceeds the max concentration recommended by the WHO, which exceeds recommended a maximum level of 5 µg/m for long term exposure in order to protect health, the figures in the report exceed this.
- Soakaways for surface water will not be adequate for this site (as clay is impervious to water)
- Insufficient time allowed by the council to respond to revised/new details

- No new ecology reports. Biodiversity/protected species matters still not addressed
- There is no mention of where the HGV's carrying coal and the landfill will be coming from and going to on a daily basis.
- EIA has not considered downstream environmental impact assessment
- There has been no information put up in the village with regards to the amendments.
- the applicant has treated residents and indeed Kirklees Council with contempt with the stream of ambiguous and incomplete data

Parish Council comments:

- 7.5 Objections: *due to concerns over the proximity to the school, increased traffic onto a narrow highway, and considerable disturbance and environmental impact.* Further comments received state *“there is still an issue around increased traffic around pick up/drop off times for the school. There is also the issue of the very narrow footpath around this area”.*

Ward Members comments

- 7.6 Ward Members were advised of the proposal by email. The following responses are received:

Cllr Tim Bamforth states:

“There has been no reasonable consultation undertaken with residents prior to the application being put forward. There has been no proper or reasonable consultation by Wavin or the council Just 26 houses, when the impact of traffic movement is far reaching. Residents also feel that they were denied access to information requested on the developer communication, their complaint has been upheld by the information commissioner. Requested September came on 21st December, when the website continued to say comments closed on the 20th.

Proximity of the excavation to Cumberworth Lane may lead to subsidence. Needs more work on this as highlighted by the Bridges and Structures Manager.

There is potential to flood railway tunnel that runs behind the development.

There is risk of landfill gas migration into workings and subsequent release.

The air quality and dust assessment refer to Grantham on the cover page and again on page 3 and 7.

The application has no Ecology report, the site has some protected species within it.

The reports submitted are poor quality and, in some cases, contradictory.

The new Dust Management Plan needed to reflect operations associated with a new quarry, not an extension.

The height of the proposed screening bunds (5m) is detrimental to the visual amenity and are not necessary for the excavation of the mineral which would

constitute inappropriate development in the green belt as there is no justification given by the developer for bunds of this height. This cannot be considered temporary over a period of 25 years and would cause harm to the green belt that must be justified by very special reasons that must outweigh the harm.

There is a possibility of contaminating the water table with pollution from the old domestic waste site adjacent to proposed workings.

Clarity needed on number of HGV movements as figures differ between reports.

It is noted that traffic from Henperch quarry in Denby Dale has a weekly limit of 150 loads and that this supplies 40% of the material mix. The load count from Bromley is double this, is this necessary?

Clarification of HGV route to Wavin works at Hazelhead from site, the possibility of HGV's using Carr Hill Road should be negated by stating an approved route from site to Hazelhead that avoids Carr Hill Road, and this should be reinforced by introducing a 7.5T weight limit in both directions on this road.

Consideration should be given to moving the site road away from the PROW and lower into the site to lower impact of dust and noise for residents.

Given the cumulative impact of traffic from this site and many developments in Skelmanthorpe, Denby Dale, and Scissett including HGV's transporting construction materials to and from these sites, passing through Cumberworth, I consider the speed limit at the pedestrian crossing by the Star pub, on the junction with Carr Hill Road, to be too high, given that the crossing in this location is heavily used, particularly at school times. Poor weather and large numbers of heavy vehicles will add to the danger for pedestrians at this location.

The residents of Upper Cumberworth are suffering from the noticeable increase in traffic resulting from the large amount of development that has arisen in the Denby Dale and Kirkburton Wards since this quarry was last worked, this proposal will add to it.

This proposal provides negligible benefit to the local economy while lowering the quality of life for all its residents. "

Response to Cllr Tim Bamforth's comments:

- 7.7 The assessment below sets out in detail the background to this site and the very special circumstances put forward by the applicant and officers' assessment of it, particularly in relation to the 5m high bunds. It also addresses a number of points raised by Cllr Bamforth.
- 7.8 Consultations have been carried out with DM Highways, Structures, LLFA, Ecology, Environmental Health, and site visits have been carried out on separate occasions to assess the impact of the proposals on the surroundings. Consultees, including Network Rail and the Mining Authority have concluded the proposals can be carried out and accommodated on the site, subject to conditions, without the need to introduce weight restrictions on the surrounding highway network, particularly that proposed to be used for the HGV routing.

7.9 With respect to public consultation the proposals have been advertised in accordance with the Councils standard procedures.

Cllr Hannah McKerchar comments:

7.10 A number of queries and questions have also been received from Cllr Hannah McKerchar during the course of the application. These have been answered on receipt and generally relate to seeking further details/clarity of the proposals and submitted details and the planning process.

8.0 CONSULTATION RESPONSES:

Statutory:

K.C. Lead Local Flood Authority – Support subject to condition and advisory note.

The Mining Remediation Authority – No objection subject to the development being carried out in accordance with the measures detailed in section 7.4 of the Coal Mining Risk Assessment (dated December 2022, prepared by Silkstone Environmental Ltd)

The Environment Agency – Support subject to conditions and 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:

Barnsley Council – no comments received to date

K.C Conservation and Design – potential impact to Grade II listed building (Lane Side House), is to be mitigated by additional hedge/soft Planting or screen mounds.

K.C. Environmental Health – accept the findings of submitted Phase 1 and 2 reports. Revised/additional information relating to Air Quality, Dust mitigation and contaminated land issues is sufficient. Support subject to conditions.

KC Ecology – support subject to recommended conditions which include pre commencement conditions.

K.C. Highways Development Management – Support subject to conditions

K.C. Highway Structures comments – *“Further to the X-sectional detail, as shown on drawing No 22007/511, I can confirm that the proposed screen mound and the quarry excavation are sufficiently far away from Cumberworth Lane to impact its stability and as such a structures condition will not be required”.*

K.C Landscape – Sufficient details received; support subject to conditions. See detailed assessment below.

K.C Public Rights of Way (PROW) – no comments received.

K.C. Planning Policy – support, provided VSC can be demonstrated for the proposed 5m high bunds along Cumberworth Lane.

K.C. Trees – Support the proposals, with no conditions recommended.

K.C. Waste Strategy – Standard advice (link to advice to be provided on decision notice).

Network Rail – Cumberworth railway tunnel lies north east of the site. No objection in principle to the development, subject to advisory notes and condition.

Active Travel England – support the proposals, no conditions necessary

West Yorkshire Archaeological Advice Service – Recommend that a geophysical survey (sub surface archaeological investigations) is carried out to establish potential archaeological interest should be undertaken.

9.0 MAIN ISSUES

- Background (need for mineral) and principle of development.
- Proposed scheme of works and impact on Green Belt/landscape issues
- Site restoration/use of imported inert waste
- Environmental issues (ecology/biodiversity), Landscape and PROW issues
- Local amenity issues (noise, dust, air quality and contaminated land)
- Drainage/flood risk & water/watercourses pollution issues
- Highway/ PROW issues
- Representations
- Other matters
- Planning Obligations
- Conclusion

10.0 APPRAISAL

Background (need for mineral) and principle of development

Background (need for mineral):

- 10.1 The planning application site covers an area of 8.4 hectare, which lies easterly to the former Bromley Farm Quarry where restoration was completed in 2022. As noted above the proposals are to carry out quarrying operations to extract predominantly fireclay and shale for the manufacture of vitrified clay pipes. The details submitted indicate that reserves at the site have been calculated at approximately 760,000 tonnes, which is stated to equate to approximately 25 years supply at approximately 30,000 tonnes per annum. Incidental coal will also be extracted from the site.
- 10.2 A large volume of clay was extracted by Wavin Ltd during the final year at former Bromley Farm quarry and was stockpiled at the Hazelhead Works factory in Crow Edge as part of the blend for the manufacture of clayware products. It is noted that the stockpile is estimated to be sufficient for up to three to four years provision for the factory. Information provided with the application states that:

“It is estimated that approximately 95 jobs are directly associated with the manufacturing plant at Hazelhead Works in Crow Edge. Approval of Bromley Farm will ensure Wavin maintains stable levels of employment and is in the best possible position to achieve growth in the improving demand for its products for at least another 25 years.

The provision of a long term fireclay provision from Bromley Farm will help safeguard a significant number of jobs within Wavin. The proposal will reinforce locally and regionally important facility.”

- 10.3 From this information, it is acknowledged that the single most important influence on the capacity to meet demand and job security is the guarantee for a supply of fireclay to the established factory. The proposals would, as a minimum, enable the guarantee of supply for this period from this allocated mineral extraction site.
- 10.4 The NPPF encourages planning authorities to look positively at development that provides sustainable economic growth. The mineral supplied from this allocated mineral extraction area would have a positive impact upon the long-term economic stability of the company and at Hazelhead Works in particular, therefore meeting the Government’s national policy objectives for economic growth.

Principle of development:

- 10.5 Turning to the principle of development, 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.
- 10.6 Paragraph 15.9 of the Kirklees Local Plan states that extensive economically important reserves of clay and shale are located in the Coal Measures strata on the eastern side of the district, and they provide raw materials for two of the country’s leading manufacturers of clay pipes, which are located in the adjacent Barnsley local authority area. Several clay and shale quarries are located in the southeast of the district. A feature of clay pipe production is that the different types of clay are blended together and therefore it is necessary for a single operator to have several sources of the raw material at any one time. By providing a source of material at the application site, the proposed development is considered beneficial in this respect.
- 10.7 With paragraph 224 of the NPPF stating that great weight should be to the economic benefits of mineral extraction, it is considered that the proposed extraction would help to maintain a supply of raw materials for a nearby clay products manufacturer in Barnsley and would therefore help to support the Leeds City Region economy.
- 10.8 As part of the evidence to support minerals policies in the Local Plan, a paper entitled ‘Identifying future minerals sites - development of a methodology’ was prepared regarding future minerals needs in Kirklees. Table 4 in this paper identified enough supply of clay and shale to last 17.9 years (not including the resource at the current application site) whilst paragraph 3.13 of the same report stated the following regarding clay and shale landbanks:

“The NPPF identifies the need to maintain a supply of clay for the cement industry of at least 15 years and for brickclay at least 25 years. In terms of the need for pipeclay, it is considered more in line with the needs of the brick manufacturing industry and as such a 25 year requirement would need to be provided for. The current reserves of pipeclay based on the production rates provide for almost 18 years supply, therefore in order to meet the 25 years supply additional sites will need to be allocated in the plan period”.

- 10.9 This 25-year landbank requirement is also set out in paragraph 5.34 of the Minerals Technical Paper. Taking into account this requirement for a 25-year landbank, it is considered that there is a need for further clay and shale extraction in Kirklees and this proposal would make a positive contribution towards the district’s landbank of clay and shale.
- 10.10 The policy goes on to state that applicants should provide sufficient information to demonstrate the presence of and need for the mineral. This is outlined above (paragraphs 10.1-10.4).
- 10.11 The proposals would not only provide a vital component in the blend mix for a long-established business, but also the continuation of supply is essential to maintain current levels of employment at the factory. This is stated to be approximately 95 jobs in total. Furthermore, the clays to be extracted are important industrial minerals, and great weight should be afforded to the benefits of minerals extraction. Given the above assessment, it is considered that the development of the site for mineral extraction on this accepted mineral allocation site is acceptable in principle, subject to there being no unacceptable impacts on the local environment.

Proposed scheme of works and impact on Green Belt / landscape issues

- 10.12 Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 or 155 of the NPPF apply. Paragraph 154 includes various forms of development, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include:
- h) i. mineral extraction;
 - h) ii. engineering operations, and
 - h) v. material changes in the use of land.
- All three of the above criteria would in this instance facilitate the quarry operations at the site and this assessment shall be considered on that basis.
- 10.13 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 necessary paraphernalia must also be not inappropriate. It is not therefore proposed to comment on the operation necessary to extract mineral from the site. This includes associated plant and equipment and the combined site office and mess facility (portacabin). The same applies to 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.

- 10.14 With regard to the change of use of the agricultural land, the application site comprises agricultural grassland with very thin soil cover above the underlying economic mineral. The site is generally classified as agricultural Grade 3b/4 land, which is not Best and Most Versatile agricultural land. The application site is located on high ground; therefore, the landscape is very open, and long views are afforded from all directions. The fields would ultimately be restored to agricultural use and therefore the impact is also temporary, albeit for 25 years in total. The site is also adjacent to a household waste recycling centre (HWRC) and so would not be a new isolated feature in the landscape, and the wider area contains other modest scale operations.
- 10.15 The impact on the openness of the Green Belt is also to be considered in the context of the existing surroundings. There are a number of operational quarries in the vicinity of the application site. Sovereign and Appleton quarries lie approximately 1.60km to the west, Henperch quarry lies to the east approximately 2km away, and Peace Wood quarry to the north is approximately 2km away. The existing HWRC already impacts on the openness of the Green Belt. The proposed quarry area is considered relatively modest in scale, when compared to other local quarries. Nonetheless, if Members support the proposals, this site would become operational and continue for a period of 25 years, up until to 2050. Consequently, the creation of a further quarry void would result in a cumulative impact which would contribute to affecting the character of the surrounding landscape. However, it must be acknowledged that quarrying operations are temporary in nature, whereby the impacts would be for a limited period and suitable restoration of sites would result in them being returned to an appropriate agricultural, wood, or other appropriate use in the Green Belt. The cumulative impact would be reduced and partly mitigated due to the progressive restoration at the aforementioned quarries. This would be further reduced as restoration commences at the application site following the extraction of mineral, progressively from after cut 3. It is not considered that the impact of a new quarry, of the size proposed, cumulative with the other active operations in the area, would be contrary to guidance in the NPPF. This is because the disturbed footprint would progressively start to be reduced as restoration works commence on all the aforementioned quarries and at the application site.
- 10.16 Also included in the proposal is the temporary storage of soils (which will be required for the restoration) in the form of bunds located around the northern and eastern boundaries to act as a visual and acoustic barrier. These bunds are to be formed of soils, between heights of 3m and 5m. They would remain in-situ until required for restoration of the site. In addition, above ground overburden storage would be required. These storage areas would be located in the southeastern corner of the site and would be 5m in height and remain in-situ until it can be replaced into the void. The proposed new access road constitutes an engineering operation in the Green Belt. However, this access road in its entirety was approved as part of application 2012/93497, which has been implemented in part.
- 10.17 Harm would be caused by the presence of above ground overburden storage and the proposed bunds (5m high). Bunds (and any above ground storage areas) 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. As existing, the site is most visible from the public footpath which runs along the western site boundary and a number of houses to the west along Cumberworth Lane (Lane Side Farm) which are at a slightly elevated position to the site. The properties on Cumberworth Lane are located within 100m of the proposed bunds and at 5m high these will potentially impact on both residential (during construction) and visual amenity.

- 10.18 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances (VSC) 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.
- 10.19 The applicant's VSC's are that the bunds would act as a visual and acoustic barrier, and they would be seeded with grass for a natural finish. They would also screen the operations from view and lessen noise which is particularly important given the proximity of residential property and mitigate detrimental impacts, particularly residential and visual amenity. This is important as the quarry would be within very close proximity (within 100m) to the dwelling(s) at Lane Side Farm. Without the bunds it is likely that there would be material harm caused to the amenity of the occupiers of these dwellings. Any impacts on openness would also be temporary as they will be removed through site restoration.
- 10.20 NPPF paragraph 222 states that it is essential that there is a sufficient supply of minerals to meet needs and that minerals can only be worked where they are found. Paragraph 224 states that when determining planning applications great weight should be given to the benefits of minerals extraction, including the economy. In support of the scheme the applicants have stated that the mineral extracted from Bromley Farm Quarry is used for the blending and subsequent production of clay pipes at the Hazelhead Works site and is of high importance for use in adjusting the balance for material produced. The Bromley Farm clay composition makes the mineral a valuable component of the production blend. This is a further contributing factor to the applicant's VSC in that the mineral extracted from this site will ensure Wavin maintains stable levels of employment and will be in the best possible position to achieve growth in the improving demand for its products for at least another 25 years. The proposal will reinforce a locally and regionally important facility.
- 10.21 In summary, the recognised modest harm from the proposed five-meter-high bunds is considered to be clearly outweighed by the VSC put forward by the applicant.
- 10.22 Turning to the impact on the landscape, the submission documents include a Landscape and Visual Impact Appraisal (LVIA) with the main objectives of the assessment being:
- To identify the landscape character of the application site and its surroundings and also any notable landscape features within the application site boundary.

- To determine the sensitivity of the landscape to the type of development proposed, through assessment of the value of the landscape and its susceptibility to harm as a result of the proposed development type;
 - To identify potential visual receptors (i.e. People who would be able to see the development) and evaluate their sensitivity to the type of change proposed;
 - To describe measures proposed to avoid, reduce or mitigate the potential adverse effects;
 - To identify and describe any impacts of the development in so far as they affect the landscape and/or views of it; and
 - To assess the relative level of impacts in terms of the magnitude of change, duration and reversibility of the effects.
- 10.23 The significance of the proposals on the landscape within the LVIA are assessed as minor adverse when the site would be operational due to the site being in agricultural use with few ecological habitats.
- 10.24 The magnitude of change as a result of the temporary quarry is considered medium resulting in a moderate visual effect for a long term period of 25 years due to the fact the site is only visible from close viewpoints to the north, east and west, a small number of residential properties and users of the PROW network but effective screening would mitigate this as much as is possible. The LVIA summarises the visual impact of the proposals is assessed as *“low magnitude of change in such that any change in the view is not prominent but could be visible to some visual receptors. The duration of effect is long term at 25 years with the type of effect assesses as neutral”*
- 10.25 The conclusion of the LVIA is that the overall level of effect of landscape and visual impact has been assessed as moderate/minor.
- 10.26 The proposed development’s impact on spatial openness is considered moderate/minor as the proposals would consist of (in summary, in relation to physical changes) the provision of an access track from the main road and a quarry behind screening bunds. Nevertheless, all visual effects would be temporary in nature, and once the landscape is restored, would provide potential visual benefits to local receptors in the long term with improvements and additional biodiversity included in the submitted scheme.
- 10.27 In summary, whilst mineral extraction usually occurs over a timeframe of decades, the operations are considered to be temporary in nature and the development is therefore regarded as reversible. The quarry as proposed would have an additional impact on the openness of the Green Belt in this location, however this impact would be mitigated by the formation of screen mounds, and the proposal would be temporary and reversible once mineral extraction has ceased and the whole of the site is restored. It is therefore considered that this proposal would not have a significant long-term impact on the openness of the Green Belt in this area.
- 10.28 To conclude the application site is proposed to be restored back to an agricultural use (by using waste material) by 31/03/2050, it is considered that, subject to there being no significant conflict with other Kirklees Local Plan policies or the NPPF, the principle of quarry operations as proposed are acceptable in terms of the impact on the openness of the Green Belt.

Site restoration/use of imported inert wastes

- 10.29 The final restoration of the site to agricultural use with additional biodiversity enhancements would require the import of inert waste, in addition to initially using waste and reject stone generated from the quarry itself. The total volume of waste required for restoration back to original ground levels is stated to be approximately 380,000 cubic metres due to the bulkage factor when replacing virgin material.
- 10.30 As the volume of quarry waste extracted on site would be insufficient to bring the site back to its original level, the final restoration of the site to a viable agricultural use would require the import of waste that is expected to be strictly controlled by an environmental permit or equivalent. 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.
- 10.31 In this instance the imported waste would be used in the final restoration of the site rather than simply being disposed of elsewhere (in a location where it serves no useful purpose). It is therefore considered that this proposal would see the re-use of a significant amount of inert waste material which is consistent with current national planning guidance and Kirklees Local Plan Policy LP43.
- 10.32 Section 3 of the supporting statement indicates a schematic overview of the methods and sequence of works that would be employed to bring about restoration of the site, upon extraction operations ceasing. A soft landscaping restoration plan is also submitted which includes the proposed topographical levels upon completion of infilling, as well as areas indicated for tree/shrub planting along the north and southern boundaries, an area of species rich grassland and the central part of the site to be restored back to agricultural grassland. This would include provision of a biodiversity net gain (discussed below). In principle, the restoration proposals are considered acceptable and appropriate to the surroundings.
- 10.33 Finer details of the restoration are recommended to be secured via condition, which would include the complete removal of the haul road. Of most importance is the proposed finish land levels within the site which are shown on drawing 22007/510. The proposed levels would see the site brought back to near its original levels (when compared to the existing levels as shown on the submitted topographical survey), integrating it back to reflect the characteristics of the site and its immediate setting. A further condition is also recommended for the proposed levels to be achieved prior to any soft hard landscaping features being incorporated within the site, to accord with Policies LP32, LP36 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Environmental issues (ecology/biodiversity), Landscape and PROW issues

- 10.34 Local Plan Policy LP30 requires that planning decisions protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains.

10.35 The application is accompanied by a preliminary ecological appraisal (PEA) report. This recognises that the site is not covered by any statutory or non-statutory nature conservation designations. It also acknowledges that European Designations within 10km include the South Pennine Moors, special areas of Conservation (SAC) and the Peak District Moors (South Pennine Moors Phase 1) Special Protection Areas (SPA) are located approximately 8.5km west of the Site. The PEA concludes that the habitats within the site are not suitable for use by feeding golden plover (*Pluvialis apricaria*) for which the SPA's have been designated and comprises areas of arable agricultural land and small enclosed areas of neutral grassland and ruderal vegetation.

10.36 The council's ecology officer states that, notwithstanding the issues of a protected species (discussed below), given the overall low ecological value of the site, the PEA provides adequate information to assess the ecological impacts of the scheme and agrees with the findings, advising that:

"The habitats within the site have no intrinsic botanical value and the loss of the area of improved agricultural grassland would have negligible ecological effects. The PEA makes recommendations for mitigative measures to avoid ecological impacts, and it is concluded that with these in place significant ecological impacts are not anticipated"

The mitigation measures are recommended to be conditioned.

10.37 A separate report relating to a specific protected species was submitted, and it is noted that a relevant license from Natural England would be required in relation to that species, along with a (pre-commencement) condition for additional survey and mitigation works.

10.38 The above considers the proposal's direct impacts on local habitat and species. Policy also requires development to result in a measurable net gain to local ecology, utilising the DEFRA Metric.

10.39 The ecology officer advises that the submitted PEA includes a Biodiversity Net Gain calculation, prepared using the BNG Metric version 4.0. The calculation indicates that the proposed habitat improvements would deliver an overall habitat net gain of 11.47 habitat units (64.49%) and net gain in hedgerow units of 0.3 (17.73% net gain), both of which are in excess of the 10% expected. In this respect the development is in accordance with Local Plan Policy LP30.

10.40 The PEA recognises that whilst the site is not located in an area identified in Kirklees Wildlife Habitat Network (KWHN), the area of broadleaved woodland is adjacent to the sites south east boundary. The woodland habitat is anticipated to be of high value for wildlife within the local area. Following a site visit, the tree officer confirms that with the inclusion of appropriate measures, fencing around the root protection areas (RPA's) together with appropriate proposed treatment of run off/contamination, the RPAs and canopies of the trees are unlikely to be significantly impacted and where there is minor impact there is scope for the compensatory tree planting. The new planting will complement and enhance the value of the woodland areas to the south of the site that are included in the Kirklees Wildlife Habitat Network and strengthen existing ecological links. A condition would be necessary for tree protection fencing to be provided to these areas in accordance with KC Trees' recommendation and in order to comply with Local Plan Policies LP24, LP30 and LP33 as well as guidance in the NPPF

- 10.41 Overall, the scheme is expected to result in a significant net gain for biodiversity at the site. It is considered necessary and appropriate to condition that the recommendations and mitigations set out in the PEA be adhered to, as well as management and maintenance arrangements for the net gain, and preparatory works through pre commencement conditions, to prevent any impact on protected species in the interests of ecology, to accord with relevant Kirklees Local Plan Policies.

Landscape and PROW issues:

- 10.42 Several Local Plan Policies require proposals to be designed to take into account and seek to enhance the landscape character of the area. The matter of landscape is touched on above, under the previous Green Belt and site restoration/use of imported inert wastes sections. Additional drawing nos. 22007/510, 22007/515 received 21/11/2023, and details received 07/11/2023 sets out how and when the bunds would be formed, and when additional tree planting would be planted along the proposed access road. The submission documents also include a Restoration and Aftercare report, dated January 2023. On assessment of these details the council's landscape team provides the following advice:

“There is context to the site, which has a history of mineral extraction and there is a proposed restoration plan for the site. Previous extraction site had recently been restored. Much of the existing mitigation is mitigation implemented for the previous extraction site. Whilst the extraction of mineral will largely be screened from the proposals by the existing screening remaining from previous quarry site and tree planting along Cumberworth Lane, the proposals particularly the traffic associated with the quarrying operations will be visible from the adjacent PROW and occupiers of the properties south west of the proposed access.

It is acknowledged, the case officer discussed this matter with the applicant during a recent site visit and applicant is willing to provide bunds/tree planting along this stretch to tie in with the existing bund and trees to the north west near Cumberworth Lane. This should be conditioned to be provided after top and sub soil stripping commences and before any mineral extraction takes place.

The restoration planting scheme is a sympathetic proposal and suitable for the setting. Boundary of the proposal comes up against identified habitat network. It is not indicated as being removed and the proposed restoration plan will further enhance this existing habitat. Proposals include native species, light woodland tree planting, shrub planting, species rich grassland and replacement of the agricultural grassland. Aftercare report has included details on how the topsoil's will be stripped, managed and re-laid to avoid over compaction. The quantities of topsoil stripped will be measured and recorded. Depths will then be managed when reinstated ensuring even distribution. A five year maintenance plan has been included in the report and covers replacement of losses in the first three years, this is satisfactory.”

- 10.43 As requested by officers, additional details have been provided for the establishment of bunds and tree planting adjacent to the PROW, as shown on drawing 22007/515 and details received 07/11/2023. However, further soft landscaping details are required for additional tree or hedge row planting where currently there are gaps between existing trees along Cumberworth Lane. This matter is recommended to be conditioned. Overall, the landscaping scheme is appropriate and would result in a natural setting once established. It would also screen, to a certain extent, the use of the proposed access road from users of the adjacent PROW and the properties that lie south west of the proposed site access.
- 10.44 Subject to the works being carried out in accordance with appropriately worded conditions, seeking additional planting along Cumberworth Lane and to ensure the aftercare requirements relate to all the landscape details as shown on the above forementioned drawings, the proposals would accord with Local Plan Policies LP24, LP23, LP30, LP31, LP33 and LP37 and guidance in the NPPF.

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

- 10.45 The National Planning Practice Guidance sets out clearly the principal issues that mineral planning authorities should address. As well, it acknowledges that not all issues will be relevant at every site to the same degree. Also of relevance are 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 10.15).
- 10.46 Concerns regarding local environment impacts and the impact this may have on nearby dwellings / residents have been raised through the representation period. Operations in association with quarrying and mineral extraction would undoubtedly cause a disturbance to the surrounding locality, 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:*
- 10.47 The nearest noise sensitive property, known as Lane Side, lies to the north, on the opposite side of Cumberworth Lane. There are also properties adjacent to the site's access point. More dense settlements exist further to the west, in Upper Cumberworth, and to the north east, in Lower Cumberworth. The application was accompanied by a Noise Assessment by Silkstone Environmental Ltd (dated: January 2023) which details the typical operations which may lead to noise impacting upon the nearest noise sensitive receptors (NSRs).
- 10.48 KC Environmental Health (Pollution & Noise Control) team reviewed this information and sought clarity on a number of matters. A revised Noise Assessment by Silkstone Environmental Ltd, dated January 2023 (Revised August 2023), was received which provided further clarity of the anticipated HGV movements to be generated during the operations. It also confirmation that a mobile crushing/screening plant would not be required on site.

10.49 On review of the noise impact assessment, Environmental Health advises that:

“A background noise survey was conducted on the 14th of April 2022 and it is noted that there was no activity on the former Bromley Farm Quarry as the site was fully restored. Three NSRs were identified in the surrounding area of the proposed quarry (as shown on plan no 21007/200 in Appendix A) as follows -

- *62 Cumberworth Lane*
- *Lane Side Farm*
- *43 Cumberworth Lane*

A summary of the findings at each NSR is shown in table 3 and modelling was conducted based on these findings using data from BS 5228-1:2009+A1:2014 for the plant and machinery to be used on site. The model was based on operational details provided by the applicant for the type, number, and location of plant, operational periods, and HGV movements.

Four scenarios were modelled showing soil stripping and mineral extraction as follows –

- 1) Plans 1 and 2 – Soil Stripping and bund construction*
- 2) Plans 3 and 4 – Overburden mound construction*
- 3) Plans 5 and 6 – Mineral extraction in Cut 1*
- 4) Plans 7 and 8 – Mineral extraction in Cut 3*
- 5) Plans 9 and 10 – Mineral extraction in Cut 5*
- 6) Plans 11 and 12 – Restoration by waste importation*

Based upon assumptions and worst-case scenarios as stated in para 8.2, the predicted noise levels are shown in tables 5.1 through to 5.6. Reference is made to the Minerals Planning Practice Guidance to the NPPF which 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)”. All of the tables show the noise levels will meet with this limit and are therefore acceptable to all of the nearest NSRs.

10.50 In light of the above, to mitigate against potential detrimental impact from noise nuisance on the amenities of nearby properties identified as NSR's and to control the level of noise, appropriately worded conditions can be imposed, to ensure that the development accords with guidance in the NPPF and Kirklees Local Plan Policies LP36, Part 2(c) and LP52.

Dust & Air Quality:

10.51 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 initial Dust Management Plan submitted with the application set out a summary of operations at the 'extension site' and sets out the measures to

control, mitigate, and measure dust emissions throughout the lifetime of the operations to prevent loss of amenity to nearby sensitive receptors. Whilst the Environmental Health team accepted the measures to control dust emissions, a new Dust Management Plan was requested which reflects all operations associated with a new quarry instead of an 'extension site'.

- 10.52 The revised Air Quality and Dust Assessment by Miller Goodall (Dated: 3rd October 2023) (ref: 102882-2), assesses the potential impacts associated with dust generating operations during the working of the new quarry, and the impact this will have on existing sensitive receptors. The assessment also considers changes in air quality caused by vehicle emissions namely HDVs (Heavy Duty Vehicles) travelling to and from the quarry.
- 10.53 The Environmental Health team has reviewed the revised details, and offered the following comments:

Disamenity Dust

Dust from quarrying operations has the potential to impact local communities due to visible dust plumes and dust soiling of property. This courser visible dust is referred to by the Institute of Air Quality Management (IAQM) as disamenity dust. An assessment of disamenity dust has been completed for each of the five operational phases including restoration of the quarry. This has been undertaken in accordance with the source- pathway- receptor methodology as recommended in the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning. The assessment includes the potential impact on five sensitive receptor locations which have been identified as being within 250m down-wind of potential dust generating operations. Pathway effectiveness calculations have been undertaken based on meteorological data and dry day wind direction, these are worse case exposure calculations as many factors will reduce the potential for dust generation during the day to day working of the proposed quarry. The report concludes there will be a "negligible dust effect" at each sensitive receptor and that dust emissions can be controlled through the implementation of a Dust Mitigation Plan.

Road Traffic Assessment

It is estimated that the proposed quarry operations could result in up to a maximum of 60 loads per day equating to 120 heavy – duty (HDV) two-way traffic movements to and from the quarry to Crow Edge. The proposed development is not within an Air Quality Management Area (Air Quality Management Area). However, according to the Institute of Air Quality Management/ Environmental Protection UK (IAQM/EPUK) guidance "Planning for Air Quality", where there is a change of 100 AADT (Annual Average Daily Traffic) movements outside an AQMA an Air Quality Impact Assessment is required.

An air quality assessment was undertaken in accordance with national guidance to assess the potential changes in air quality arising from vehicle emissions because of the proposed quarry, and the impact this will have on existing sensitive receptors. Four existing sensitive receptor locations were identified due to their proximity to the road links affected by the HDV movements. Modelling using ADMS-Roads dispersion

model was used to predict changes in concentrations of Nitrogen Dioxide (NO₂) and Particulates (PM₁₀ and PM_{2.5}) using traffic data taken from the Department for Transport. A Tempro growth factor was applied to uplift the traffic from 2019 to 2024 to account for future expected increases in traffic generation due to other committed developments. The model assessment was based on the following 3 scenarios:

Scenario 1: 2019 - base year

Scenario 2: 2024 - opening year 'without development and

Scenario 3: 2024 - opening year 'with development

The assessment concludes that the annual mean concentrations for NO₂, PM₁₀ and PM 2.5 are predicted to be below the respective air quality objectives at all existing sensitive receptor locations within the study area for both the "with" and "without" the development scenarios."

10.54 With respect to the Dust Management Plan (within Appendix E of the revised Air Quality and Dust Assessment), it provides a summary of operations at the site and sets out the measures to control, mitigate and measure dust emissions throughout the lifetime of the operations to prevent loss of amenity to nearby sensitive receptors. A permanent wheel bath/wash fixture is also proposed, which has not been referenced in the Dust Management Plan and shown on drawing no. 22007/513 Rev. B, titled 'site office & wheel bath location'. The applicant acknowledges this would need to be serve vehicle types associated to the quarry operations, offering a powered wash to include the underside and wheels of the lorry, with the inclusion of entry and exit rumble strips. It is proposed that a large water storage tank will be situated on site with water recycling to minimise the need for top up and a routine schedule of maintenance and inspection by both internal staff and external parties in line with the maintenance requirements submitted from the supplier.

10.55 Environmental Health officers are satisfied that the mitigation measures to control fugitive dust emissions during the operational phase of the development can be controlled. Should Members be minded to approve the application, appropriately worded conditions is recommended to be imposed on the decision notice along with full details of the wheel bath/wash to be submitted and approved, to comply with Local Plan Policies LP36, LP51 and LP52 as well guidance within the NPPF.

Contaminated Land:

10.56 On review of the Phase 1 Preliminary Geo- Environmental Risk Assessment prepared by Silkstone Environmental Ltd dated 23rd January 2023 (ref: 22007/P1/0), the Environmental Health team requested additional contaminated land information before the application could be determined. Subsequently, an updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1) was received.

10.57 The updated Phase 2 report has included additional historic ground gas monitoring data and confirms the site is to be classified as CS2. Additional commentary has also been included in relation to the ground gas pathways. As no buildings are proposed and workers would be working outdoors, the level of risk has been assessed to be very low. In terms of the risks to off-site receptors, the report adds that the void created by the proposed quarry extension would offer a path of least resistance for migrating gases within the surrounding area, which will then be able to vent to atmosphere.

- 10.58 The revised report also offers additional commentary in relation to the segregation and stockpiling of soils. The total volume of contaminated soils is estimated as 2,700m³. The contaminated materials would be stored as part of the screening mound, separated by a visqueen membrane. A layer of site sourced clay would also be placed at the base of this stockpile area as a precautionary measure to prevent leaching of contaminants. The plan states that this area would be cordoned off with post and wire fencing and clearly signed.
- 10.59 Regarding the re-use of these materials, the report explains that soils from the segregated stockpile may be suitable for restoration providing that they are subjected to a programme of soil testing in accordance with guidance that will be applicable at the time for the laying of clean cover soils. The revised details address the concerns initially raised by the Environmental Health team and their concerns in a later response dated 22/01/2024.
- 10.60 Based on the information presented in the Phase 1- 2 Geo-Environmental Desk Study Reports, Environmental Health accept the findings of the report and are satisfied that subject to the inclusion of their suggested conditions together with the an additional condition to ensure the segregation and stockpiling of soils is carried out in accordance with the additional commentary received in relation to addressing any ground gas pathways, the carrying out of the proposed works, can be dealt with appropriately to accord with Local Plan Policies LP36 and LP53 and guidance within the NPPF.

Drainage/flood risk & private water/watercourses pollution issues

- 10.61 Policy LP27 of the Local Pan relates to flood risk. It advises, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. Also of relevance is Policy LP28 which requires surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. This is consistent with guidance at Section 14 of the NPPF.
- 10.62 The application is accompanied with the following:
- Document Ref: 033/56/bfqext/1222 Hydrogeological Impact Assessment, dated December 2022
 - Document Ref: 033/56/bfqext/fra/1222 Flood Risk Assessment (FRA), dated December 2022
- 10.63 The proposed development would be drained by pumping to a water treatment area with off-site outfall to the existing field drainage tributary of East Hill Beck. Once completed and restored, surface water runoff from restored surfaces would drain naturally towards the south for discharge to the same field drainage system. Surface water drainage to East Hill Beck would therefore continue throughout the operational life of the development and after site restoration.
- 10.64 On assessment of this information, the LLFA officer has stated:
- “All surface water runoff within the excavation boundary would drain naturally to the lowest point in the excavation from where it would be collected in a small sump and pumped to a water treatment area located at surface. Screening and overburden mounds would be equipped with peripheral ditch drains, as required, to direct runoff to the water treatment area”.*

- 10.65 Regarding the concerns that the proposed development would result in increased flooding or environmental issues up and down stream, the LLFA officer has offered the following advice:

“There is no increase in drained area, therefore the risk of flooding downstream will not increase and there is no need to provide storage - this is considered acceptable to the LLFA. Also, the developer has stated that the surface water run-off will pass through a surface water treatment lagoon (where hydrocarbons will be retained and sediments will settle out), therefore risk of pollution of the downstream watercourse (East Hill Beck, a tributary of the river Dearne) is low and is also considered acceptable to the LLFA. Finally, as the quarry is at the head of the watercourse, there is no effect on any watercourses upstream of the proposed development.”

- 10.66 Subject to the proposals being carried out in accordance with the submitted FRA and the Hydrogeological Impact Assessment (recommended to be conditioned) along with the suggested condition/advisory note by the LLFA, it is considered that the development could be appropriately drained and not increase flood risk elsewhere or raise environmental concerns. The proposal would therefore accord with the requirements of Policies LP27 and LP28 of Local Plan and guidance within the NPPF.
- 10.67 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 issues

- 10.68 All new developments can potentially impact on the highway network; it is important that the extent of these impacts is 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.
- 10.69 Highway safety issues have been raised in many of the representation, which, where relevant, have been considered throughout the negotiation and assessment process. Further to Highway Development Management (HDM) comments dated 12/09/2024, additional and revised details/plans have been received to address HDM initial concerns and queries. On review of these details HDM have advised the following:
- 10.70 The site is situated in a mineral extraction area, forming part of Local Plan Minerals Extraction Site MES12. Minerals extraction is to be expected in this area and the site is adjacent to two former quarries now restored, the operation of which dated back to the 1960's. Restoration of the former quarries was completed in 2022.

- 10.71 The site would be accessed from Barnsley Road (A635), via the existing access road, which in addition to serving previous quarrying operations also provides access to the Bromley Farm Household Waste Recycling Centre (HWRC) situated approximately 150 metres to the southwest on the site. The section of Barnsley Road (A635) where the access is located, is a 40mph two-way single carriageway of approximately 9m width with a footway on the north side and street lighting present.

Access

- 10.72 The site access is in the form of a priority junction with ghost island right turn lane. The access provides good visibility in both directions. The access road, which is private, is approximately 7.4 metres wide at its junction with Barnsley Road, sufficient to accommodate vehicle turning movements and for two vehicles to pass at the junction. Beyond the junction the access road narrows, with an average width of around 5.3m with passing places, positioned to assist vehicle movement. The access road has a posted 20mph speed limit.
- 10.73 The proposals include the widening of the access road to 6m from its junction with Barnsley Road to the quarry entrance. This would allow a car and HGV to pass comfortably and for two HGVs to pass with care, negating the need for passing places. The access road is asphalt surfaced to a good standard and is considered suitable to serve the HWRC plus the additional traffic generated by the proposed quarrying operations.
- 10.74 A review of personal injury collisions (PICs) in the vicinity of the Barnsley Road junction shows that there have been no recorded PICs in the most recent previous 5- year period (2019 to 2023). This suggests that the access appears to operate safely with no inherent road safety problems that warrant further investigation or mitigation.
- 10.75 Access to the quarry itself would be taken from the existing access road currently serving the HWRC. The quarry access would be located approximately 275m from Barnsley Road. The access takes the form of a simple priority junction, 10m wide, with a reinforced concrete surface for the initial 50m, the access would incorporate wheel washing facilities to prevent mud and other quarry debris being deposited on the HWRC access road. When the quarry is not in use, the access would be gated, with the gates set back to enable a vehicle to stand clear of the HWRC access road. It has been demonstrated using vehicle swept paths that the largest vehicles expected to access the quarry on a regular basis can do so safely. It is considered that the access road and quarry access are acceptable and suitable to serve the proposed quarrying operations.

Traffic Generation:

- 10.76 The application indicates that the proposals will generate a maximum 120 HGV movements per day (60 in and 60 out), including incidental coal extraction and the import of inert fill. Based on the operating hours and that vehicle movements are likely to be spaced roughly evenly across the working day, this equates to an average of one HGV movement along the access road and local highway network every 6 minutes.

- 10.77 It should be noted that previous permissions for adjacent quarries, served by the current access road, conditioned HGV movements as follows:

Application No. IDO/421/PR1 - Approved 21/05/2010

First Periodic Review for Proposed Opencast Clay Mining at Bromley Farm Quarry, Denby Dale

Condition 8; Unless otherwise agreed in writing by the Mineral Planning Authority the maximum number of heavy goods vehicle trips to and from the site shall not exceed:

Mon to Fri - 70 inward 70 outward

Sat - 40 inward 40 outward

Reason: *In the interests of highway safety.*

Application No. 2012/62/93497/E - Approved 10/07/2013

Application for the Importation of Inert Materials to Stabilise the Quarry Faces and amend the Restoration Profile, also for the Formation of a Secondary Site Access

Condition 8; No more than an average of 20 loads of waste per day in each working week (Monday – Saturday) shall be imported to the site.

Reason: *In the interests of the free and safe use of the highway and to accord with Unitary Development Plan Policy T10*

- 10.78 Both aforementioned quarries were operational concurrently and potentially could have generated a maximum of 180 HGV movements per day (90 in and 90 out) Monday to Friday.

Traffic Impact

- 10.79 The proposed quarry would be operated by Wavin Ltd., with clay extracted from the quarry being transported to their Hazelhead Works at Crow Edge, Barnsley to be used in the manufacture of clay drainage products. Concerns were expressed regarding the routing of traffic between the quarry and the Crow Edge works, with vehicles using unclassified rural roads, considered unsuitable for intensified and prolonged HGV use. It has been agreed that vehicles will be routed using Classified 'A' roads - A635, A629 and A616, these are principal 'A' class roads more suitable for HGV traffic.
- 10.80 The agreed routing takes vehicles through the A635 Barnsley Road/A629 Penistone Road/A635 Holmfirth Road Junction (Sovereign Cross Road's) and A635 Penistone Road/A616 Huddersfield Road/A616 Sheffield Road Junction (New Mill). Capacity assessments using the industry standard PICADY computer programme have been undertaken at these junctions, in both the AM and PM peak periods, to determine the impact of development traffic on the operation of these junctions.
- 10.81 The assessment undertaken shows that during peak periods the Holmfirth Road and Barnsley Road arms of the Sovereign junction and Penistone Road and Huddersfield Road arms of the New Mill junction currently operate close to or slightly exceed theoretical capacity. However, the assessment demonstrates that the addition of the development's traffic would not have a

significant impact on junction performance in terms of RFC (ratio of flow to capacity) or queue lengths. During inter-peak hours the junctions operate within practical capacity. It is considered that the introduction of development traffic would not have a severe impact on the operation of the Sovereign or New Mill junctions or operation of the highway network on the proposed vehicle routing.

- 10.82 In conclusion, it is considered that proposed access arrangements are appropriate and provide an acceptable and safe form of access to serve the proposed development. That traffic generated by the proposals will not have a severe impact on the operation and safety of the highway network and junctions on the vehicle routing proposed. The proposals subject to conditions would comply with Local Plan Policies LP21, and LP36 as well as guidance in the NPPF.

Representations

- 10.83 Consideration and responses to the objections not addressed in the preceding paragraphs are set out below.

Impact on environment & residential amenity

- Light pollution from headlights of vehicles in winter months
- Adverse noise and air pollution on nearby play Eunice Lane play area
- No update to dust management plan/Phase 2
- Re- review of noise is requested due to incorrect/base line dataset which is likely to undermine true noise impact

Response: Headlight concerns are not considered significant as this will be no different to current situation. Subject to mitigation measures being conditioned, no adverse impact is considered from noise and air pollution on properties/gardens closer to the proposed site, than Eunice Lane play area, therefore the impact on this play area is considered would also be mitigated against. The dust management has been revised during the course of the application and a Phase 2 report/details submitted, which have been assessed by relevant consultees. The Environmental Health has assessed the submitted information and does not question the dataset or its methodology and provided their response which forms part of the assessment above.

Impact on highways and safety concerns:

- Proposals will exacerbate highway safety issues at the Sovereign crossroads and Carr Hill Road as well as surrounding highway infrastructure and existing access road from Barnsley Road
- incoming waggons reaching the junction by the Star Pub, would interfere with children/parents for the first school who have permission to park in the Star car park
- Carr Hill Road is a traffic rat run with a 30 mph speed limit not enforced and 3.5 tonne limit (coming down) that is violated. 3.5 tonne limit should be imposed in both directions
- Extra HGV movements will be a massive increase and create possibility of vibration damage
- dangerous 'Sovereign Junction'. What studies or research has been done regarding the impact 120 HGVs using this junction per day will have

Response: DM Highway officers have considered the highway safety and impact of all users on the proposed HGV routing and advise based on the information provided, subject to their suggested conditions, that the proposals can be accommodated without serious concerns to highway safety of all users.

- The route to Crow Edge has not been addressed. This will highly likely be Carr Hill Road which is already accessed as a short cut by HGV's and other traffic. It is a busy residential road with no pavement apart from the bottom of the road and is used by cyclists, walkers, children and horse riders. Increasing the number of HGV's will cause pollution, noise and disruption to surrounding areas

Response: the proposed HGV routing plan will be conditioned. The onus will be on the HGV drivers associated to the quarry to use the HGV routing. The developer should inform all HGV drivers of this restriction and not to take short cuts.

- What safety measures, alternative routes or traffic calming measures or actions are being considered, and what liaison is taking place with Barnsley planning department as the roads we live on and use fall between Kirklees and Barnsley.

Response: safety measures in the form of widening the access road, revised routing plan, along with wheel wash facilities are considered sufficient in this case as recommended by the DM Highways team. Barnsley Council have been consulted, once at the outset of the application being received and then again on receipt of revised details/information.

- The consideration of highway access to the site in the "Traffic Statement" only goes as far as the junction between the existing access road and the A635. As the submission doesn't consider traffic beyond the junction on the basis that the A635 is a major road it fails to recognise the reality that the proposed traffic will only be on this road for around 500m.
- Transport statement takes no consideration to the impact on the road network beyond the immediate vicinity of the site.
- The declared transport route requires a left turn at the Sovereign cross roads which must be one of the most dangerous cross roads in Kirklees and then a subsequent and difficult right turn for such a large articulated bulk carrier into the completely inadequate Cumberworth Lane.

Response: DM Highways have considered the impact on highway safety of all users on the wider highway network that will be utilised to serve the proposals.

Other concerns

- the development will safeguard employment in South Yorkshire, none in Kirklees.

Response: Noted. The proposals would safeguarding employment/jobs in association to a long established business, achieve growth in the demand for its products for at least another 25 years, along with reinforcing a locally and regionally important facility.

- Publicity period not long enough

Response: Publicity carried out in accordance with Council procedure/process.

- further land excavation could lead to land subsidence and damage nearby house

Response: Residential properties are situated sufficient distance from the proposed site/access road. No concerns have been raised by any consultee in relation to vibrations or excavation and potential impact on nearby properties.

- Will every load coming onto the site be checked to ensure there are no toxic substances, dangerous chemicals or fire hazards hidden in the "inert"

Response: The proposals are to include the importation of inert waste only, which will be conditioned. Anything other inert waste to be deposited at the site would require a licence from other regulatory bodies and unlikely to be granted if the planning permission refers to only inert waste.

- Submission documents refer to proposals in Grantham not Kirklees

Response: Documents amended to refer to Kirklees.

- The noise pollution, environmental pollution and threat to wildlife also need considering for the route beyond Cumberworth.

Response: The impact of the proposals is considered adequately on the surroundings.

- Blocked culvert under highway which has collapsed due to the already heavy HGV traffic which travels across the junction to the Plevin/Wavin Site amongst others.

Response: Noted. any maintenance works required on the 'A' roads is generally to be carried out by the appropriate service in the council.

- Proposals do not take into account the cumulative impact of the other planned and approved developments including operational in the area

Response: each application is considered on its own merits and where relevant any planned and approved developments will be taken into account. In this instance Environmental Services and Highways have not requested further details, taking into account the impact on air quality or highway impacts. The cumulative impact on the characteristics of the area and from other quarry operations in the locality have been considered in this case in the assessment above.

Concerns noted:

- This will be a new quarry not an extension to an existing quarry. The Old Bromley Quarry, was first given permission to start quarrying in 1974 stopped being working in either 2014 or 2015

Response: The assessment above is in view of a new quarry.

- speeding and driving too close to pedestrians is a known problem for residents prompting numerous police meetings.

Response: noted but not relevant to this application.

- the applicant should set up a trust/annual fund that residents and organisations in the two villages (Upper and Lower Cumberworth) affected can draw on, from on going disruption over the whole period of the proposals and should be index linked to inflation.
- Council should consider providing traffic lights at the "Sovereign crossroads

Response: These are not considered necessary to make the proposals acceptable in planning terms

None planning related concerns

- *Reduction in house prices*
- Council have failed to respond to a Freedom of Information request

Response: The above matters do not form material planning considerations to the assessment of this application.

The following are further concerns in relation to the revised details / plans.

Highway matters/concerns

- New details indicate articulated trucks using the route. Vehicle type and weight limit should be restricted.

Response: Further detail on this matter will be provided in the committee update.

- Still not clear what type/size of vehicle is to be used.

Response: Further detail on this matter will be provided in the committee update.

- HGV movements to/from the household waste recycling centre not been taken into account, nor match operating times of this facility

Response: Further detail on this matter will be provided in the committee update.

- There are no additional cross-drainage channels indicated on the sloping access road, so that water coming from the vehicles is channelled away into a soakaway and not directly onto the highway

Response: this matter is recommended to be addressed by condition.

- Roads are already substandard in surface, visibility splays, lighting, footpaths and require maintaining. Additional HGV traffic will make them far worse.

Response: this matter is considered by DM Highways in considering their response to the proposals.

- the traffic survey data used is outdated and inaccurate. A detailed survey conducted by the Cumberworth Community in February 2024 provides a more accurate representation of traffic conditions, indicating a significant increase in HGV movements. This data should be considered over the Department for Transport's 2019 data.

Response: The above concerns were responded to by DM Highways during the course of the application.

Environmental Health & other concerns

- The Supreme Court judgement in *Finch v Surrey CC* conveys a requirement for planning authorities to consider the carbon footprint resulting from extraction/conversion/use/disposal not only for new applications but those in progress but as yet undecided. This may well fall into scope but there is no such assessment in this application.

Response: Officers are reviewing this and will provide a response in the committee update.

- Does Kirklees know what the current pollution levels are in the village, the volume of traffic that passes through the village and the speed the traffic is going?

Response: The site is not in a declared air quality management area and the air quality impact of this proposals have been assessed in the assessment above. Similarly, traffic implications have been considered elsewhere in the assessment.

- There is no mention of where the HGV's carrying coal and the landfill will be coming from and going to on a daily basis.

Response: The above does not form a material planning consideration provided the material to be imported is inert waste, which forms a recommended condition.

Other Matters

Archaeology:

- 10.84 The application is accompanied by an archaeological desktop assessment, carried out by the West Yorkshire Archaeological Services (WYAS).

Information was retrieved from a number of sources including the Archaeological archives and databases, English Heritage's National Heritage List for England Database and a walkover survey was undertaken in September 2022 in order to identify any archaeological features visible on the ground and to determine the potential for any future archaeological investigations.

- 10.85 WYAS advises that there are no direct impacts to consider as there are no recorded heritage assets within the proposed development area (PDA) or its immediate vicinity, as any works associated with the proposed quarry extension would take place below current ground level and would be relatively short-lived. Therefore, they should not have a major adverse impact on the visual setting of Lane Side (1135296), Cumberworth Conservation Area and the listed buildings within the wider study area. It is also noted that the topsoil and subsoil stripped from the quarry area would form a screening mound adjacent to Cumberworth Lane. The proposed track would be screened from Cumberworth Lane and Lane Side by a stand of mature trees. Short-term minor impacts may result from the creation of soil bunds, soil heaps or mounds and mineral stockpiles.
- 10.86 Notwithstanding the above, WYAS does advise that there have been no sub surface archaeological investigations within the PDA and as such there is potential for unknown heritage assets, which may include evidence of early mining, quarrying and farming activities. These may be of some archaeological interest and may have some local significance. The desk-based assessment shows that the PDA has remained undeveloped (agricultural fields) from the middle of the 19th century until the present day. This could facilitate the survival of earlier (prehistoric, Roman or medieval) archaeological remains. Consequently, WYAS have recommend in the first instance, a geophysical survey is carried out to accord with Local Plan Policy LP35 and guidance in the NPPF. This matter is to be secured through a recommended condition.

Heritage issues:

- 10.87 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it holds. Also of relevance is Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.88 The site is located to the north east of Upper Cumberworth and the south west of Lower Cumberworth. Upper Cumberworth includes the Upper Cumberworth Conservation Area. The Conservation Area covers the historic core of Upper Cumberworth, which focuses around the Grade II listed Church of St Nicholas. There are several other listed buildings within the Conservation Area. There are several listed buildings within the settlement of Lower Cumberworth. To the immediate north, north west of the proposed site is the Grade II Lane Side House. The listed building is formed of a terraced pair of houses, now one dwelling and dated to the early 19th century. The listed building can be experienced from along Cumberworth Lane, the public right of way which leads south off Cumberworth Lane and also off the lane leading to the HWRC. It can therefore be experienced from several key site lines.

- 10.89 The council's conservation team have considered the proposals and advised the following:

"The submitted detail has taken into consideration the impacts on the designated heritage as set out in the WYAS Archaeological Desk-based assessment. We would agree with the finding of the report, that there will be no impact to the Upper Cumberworth Conservation Area of designated assets. There will equally be no impact on the assets within Lower Cumberworth. The report highlights that there will be a medium impact on the Grade II Lane Side House. We consider that there would be a medium impact as the proposals will impact the immediate and wider setting of the asset.

there is some mitigation for the proposals with the row of existing planting along the northern boundary. This is however not continuous and does not run the length of the northern boundary. The proposals will also include a stated 5m screening mound. While this will provide some form of visual mitigation, it will create an obtrusive feature. There will also be the introduction of a more formalised access track, which will run to the immediate south of Lane End House and will be entirely visible as there is a break in the mature hedge/ planting. We consider that additional planting of hedging is required to provide further migration. The current proposals will only provide modest mitigation"

- 10.90 The suggestions of additional hedging along the northern boundary with Cumberworth Lane is recommended to be conditioned as set out in paragraph 10.44, and would further mitigate the potential medium impact on the setting of Lane Side House. With respect to the formalised access track, this is not too dissimilar to the 2012/62/93497 implemented permission which included the formation of a secondary site access. Furthermore, this seems to be the most plausible access to the allocated mineral site, as such the proposals are considered would cause less than substantial harm to Land Side House.

- 10.91 Paragraph 215 of the NPPF states *"that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including....."*. Officers are satisfied that the public benefits, which include securing employment/jobs within a long-established business, secure its products for at least another 25 years, along with reinforcing a locally and regionally important facility on an accepted mineral extraction site within the Local Plan, would outweigh the identified (temporary) harm to the identified heritage assets. Therefore, the proposal is deemed to comply with the aims and objectives of LP35.

Coal:

- 10.92 A larger part of the site falls within the 'high coal risk zone'. As such the application is supported by a Coal Mining Risk Assessment which has been reviewed by the Mining Remediation Authority.

- 10.93 The Mining Remediation Authority advise that the:

"the information submitted in support of this planning application is broadly sufficient for the purposes of the planning system and meets the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development."

10.94 The content of the report confirms that mine workings would be removed as part of the operational process and that any mine entries would also be excavated. The Mining Remediation Authority considers this reasonable and proportionate and raises no objections, subject to the development to be carried out in accordance with the measures detailed in section 7.4 of the Coal Mining Risk Assessment (December 2022, prepared by Silkstone Environmental Ltd). This matter is recommended to be addressed by condition.

Planning Obligations

10.95 Paragraph 58 of the NPPF confirms that planning obligations must only be sought where they meet all the following:

- (i) necessary to make the development acceptable in planning terms,
- (ii) directly related to the development and
- (iii) fairly and reasonably related in scale and kind to the development.

10.96 In this instance, no obligations are considered necessary as the proposals are considered acceptable in planning terms.

11.0 CONCLUSION

11.1 The proposals would result in the extraction of mineral from an allocated mineral extraction site on the Local Plan. The benefits of the proposals would include safeguarding employment/jobs in association to a long established business, achieve growth in the demand for its products for at least another 25 years, along with reinforcing a locally and regionally important facility. Furthermore, the proposals are accompanied by sufficient information to demonstrate how the impacts of the development could be satisfactorily controlled through appropriate mitigation measures/conditions.

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

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

- Mineral extraction to cease and completion of site restoration by 31/03/2050, 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
- Pre commencement condition requiring further details/surveys in relation to protected species

- Mitigative measures & recommendations as set out in the PEA to be adhered to, including the implementation and management of net gain on site.
- Finer restoration details to accommodate additional tree/hedge planting along northern boundary and to achieve the BNG as proposed
- Levels to be achieved in accordance with submitted details prior to soft landscaping commencing internally within the site.
- Restrict mineral extraction depths and extent of mineral workings, in accordance with submitted plans/details
- Tree root protection to protect KWHN
- A geophysical survey (sub surface archaeological investigations) is carried out to establish potential archaeological interest- details to be submitted to MPA

2. Plans

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

3. Access and vehicular movements

- Widening of shared access road before importation and exportation of any mineral from the site
- Gates to be set back 17m from junction with shared access road
- First 50m of new access road to be hard surfaced, details (to include drainage) to be submitted to and approved before mineral extraction commences
- HGV's site shall not exceed: Mon to Sat - 60 inward 60 outward
- HGV's to follow route as shown on HGV routing plan
- Prior to use of new access road 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 access from Cumberworth Lane, details of which shall need to be approved by MPA and implemented up on bringing into use the new access road
- Plan to be submitted showing parking provision for quarry associated vehicles/traffic within the application red line
- Access Management Plan
- The site operator shall at all times keep a record of all HGV's movement in and out of the site and shall be provided in writing to the Mineral Planning Authority upon request.

4. Preparatory/soil stripping works

- All top soils and subsoil to be stripped and stored separately prior to mineral excavation
- Screen bunds to be constructed using on site material only as per submitted details and as per noise assessment

- Following soil stripping the MPA to be advised in writing of volumes of topsoil and subsoil
- Soils storage mound to be maintained in good condition grassed within 3 months and maintained to control weeds

5. Working programme

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

6. Restoration

- The MPA to be given 7 days' notice prior to the spreading of sub soil or top soil
- Subsoil and top soil to be spread at specific depths and to be worked to provide a satisfactory medium for planting
- Any area of grass seeding which fails, will be re-seeded within the next available Planting Season
- All site infrastructure to be removed and associated land reinstated following final restoration of the site
- Levels to be achieved as shown on submitted plans, prior to soft landscaping commencing

7. Amenity

- Restrict hours of operation of the quarry in accordance submitted details
- Dust mitigation measures to be implemented in accordance with those detailed in the Dust Management Plan
- Noise conditions as suggested by Environmental Health
- No fires or blasting at the site
- Reporting of unexpected contamination
- No mobile crushing/screening plant on site

8. Water protection and pollution prevention

- Only uncontaminated inert waste shall be deposited on the site and there shall be no deposit of any other material capable of producing a polluting leachate.
- Details of a scheme restricting the rate of treated surface water discharge from the site in accordance with the LLFA comments shall be submitted and approved
- Works to be carried out in accordance with the submitted Flood Risk Assessment and Hydrogeological Risk Assessment
- Development to be carried out in accordance with the measures detailed in section 7.4 of the Coal Mining Risk Assessment
- If old workings are intersected by the excavation, Network Rail require any such workings in the sidewall alongside railway property to be sealed with clay to prevent the ingress of water into any old workings beneath railway property. Where any such workings are encountered, Network Rail requires to be notified, prior to the construction of clay seals and backfilling, to enable an inspection to be made.

- Pre commencement condition to submit a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority (Environment agency)
- Remediation of site to be carried out and completed in accordance with the Contaminated Soils Area and Storage Plan by Silkstone Environmental Ltd., dated February 2024 (drawing no. 22007/515) and the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1)
- Submission of Verification Report - Condition

9. 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

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/detail.aspx?id=2023%2f91280>

Certificate of Ownership

Certificate B signed.