
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Mar-2018

Subject: Planning Application 2016/93658 Formation of access road to serve existing quarry operations Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD

APPLICANT

Andy Manning

DATE VALID

31-Oct-2016

TARGET DATE

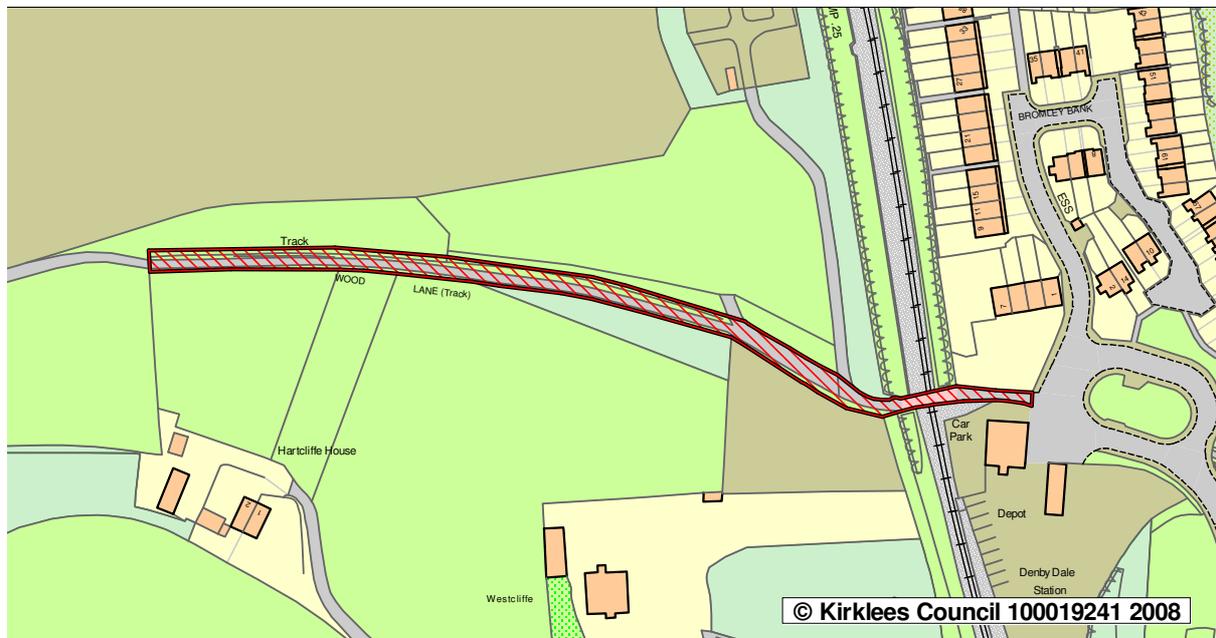
26-Dec-2016

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Denby Dale

No

Ward Members consulted

RECOMMENDATION: Approval

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

1.0 INTRODUCTION:

- 1.1 This application is brought to the sub-committee for determination following a request from Cllr G Turner which states:

"...I would like to request that the application for the new access to the Bromley quarry using wood lane and the bridge over the Penistone line be referred to the heavy woollen planning committee for decision and that prior to the committee meeting a site visit is undertaken.

I believe that the high levels of representation from interested parties and residents warrant a committee decision and a relevant site visit."

- 1.2 The Chair of Sub-Committee has confirmed that Cllr Turner's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is on the Western periphery of Denby Dale Town Centre immediately adjacent to and north of Denby Dale Railway Station. The site comprises an existing access track (Wood Lane) and bridge over the Huddersfield to Sheffield railway line. The track currently provides agricultural access and occasional access to Bromley Farm Quarry and a nearby gas distribution station. A public right of way (DEN/119/10) runs through the application site.

3.0 PROPOSAL:

- 3.1 The applicant currently operates Bromley Farm Quarry which is immediately north of the application site. The quarry has operated in various forms since the 1940's but in more recent years has been accessed from a purpose built haul road adjoining the A635 which also serves the Council's Household Waste recycling facility and another quarry to the north-west which is now under restoration. However, the applicant has indicated that they do not own this road and agreement to use it has elapsed. Consequently, at present, the site operator has no means to export the remaining reserves.

- 3.2 The applicant therefore proposes to use an alternative access to the site which has been used in the past but, other than for emergency access, is precluded from being used to export mineral under the current planning permission.
- 3.3 The applicant has indicated that this would be a temporary arrangement for up to 5 years which will enable the remaining reserve of mineral on site to be extracted and allow the subsequent restoration and aftercare of the site to be carried out. Although the applicant has indicated that mineral extraction is only expected to last a further 12 months, a time period of 5 years is requested to allow flexibility with seasonal start dates, restoration and aftercare of the site. Following the 5 year period, the access would revert back to its use as an agricultural access to the site.
- 3.4 The applicant proposes to use ridged axel tipper vehicles to export the extracted mineral. The applicant estimates that this would involve a maximum of 38 two way HGV movements per day during the period mineral is being exported from the site. Once all the reserves have been removed the level of HGV traffic is likely to reduce significantly during the restoration and aftercare phases.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

IDO 421 – Opencast clay mining (03.04.47)

DD 43 – Continue clay mining (Granted 06.12.49)

IDO/421/PR1 – First Periodic Review for proposed opencast clay mining (approval of scheme of conditions 21.05.10)

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

- 5.1 Following discussions with Officers the applicant provided the following additional information to support this application:
- A stage 1 road safety Audit
 - A full Transport Assessment
 - A supplementary planning statement addressing concerns raised by consultees
 - A Noise Assessment which considers the likely impact on the nearest noise sensitive receptors

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April

2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

EP4 – Noise sensitive development
EP6 – Noise generating development
M3 – Proposals for Mineral Extraction
R13 – Development affecting public rights of way
T10 – Highway safety
T19 – Parking

6.2 Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017

PLP21 - Highway safety and access
PLP22 – Parking
PLP 28 - Drainage
PLP30 - Biodiversity and geo diversity
PLP 32 - Landscape
PLP36 – Proposals for mineral extraction
PLP52 - Protection and improvement of environmental quality

6.4 Supplementary Planning Guidance / Documents:

None of relevance

6.5 National Planning Guidance:

Chapter 1 - Building a strong, competitive economy
Chapter 11 - Conserving and enhancing the natural environment.
Chapter 13 - Facilitating the sustainable use of minerals
Chapter 9 - Protecting Green Belt land
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site the mailing of 30 neighbourhood notification letters and an advertisement in the local press. 30 representations from members of the public have been received in connection with this proposal, 29 objections and 1 in support and the issues raised can be summarised as follows:

Objections

- The proposal would have a detrimental impact on highway safety in the vicinity of the site due to the increase in HGVs
- A public right of way runs along Wood Lane and users of that route will be put at risk
- The bridge will not be able to support lorries of the size required
- The quarry causes problems with noise and dust and should now be prevented from operating further
- The proposed access will lead to noise nuisance being experienced by the nearest residential properties
- This proposal is likely to reduce house values in the area
- Heavy Vehicles are likely to cause damage to the bridge leading to debris falling onto the railway line
- The proposal would have a detrimental impact on local ecology
- Visibility at the junction of Wakefield Road and Wood Lane is poor and slow moving lorries will cause problems
- A high pressure gas pipe crosses the site and may be damaged by heavy vehicles
- The proposal will result in the deposit of debris on the highway
- The proposal will result in the generation of dust which will cause nuisance to local residents
- The surface of the access road is poor and constant use by HGVs would cause the surface to break up causing problems with drainage

Support

- This proposal is good for the economy of the area and provides opportunities for continued local employment

Denby Dale Parish Council was consulted on this proposal and commented as follows:

“No objections subject to Public Rights of Way approval.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways DM – No Objection subject to planning conditions which require;

- The submission and agreement of a traffic management plan
- A scheme detailing the provision of carriageway markings and signage which separates the site access from the railway station carpark and builder's merchants
- Details of the proposed fencing to separate pedestrians from vehicles

Health and Safety Executive – No Objections

Railway Infrastructure Manager - No objection subject to the implementation of:

- Parapet protection measures
- The imposition and monitoring of traffic control measures
- Restrictions on the weight limit for HGVs using the bridge

8.2 Non-statutory:

K.C Environmental Services – Initially raised no objections subject to planning conditions which require:

- All works vehicles using this access to be fitted with white noise reversing alarm systems
- Within 3 months of a permission being granted the submission of a scheme detailing how any noise complaints will be resolved
- Prior to development commencing the submission and approval of a dust suppression scheme
- Deliveries and dispatches to be restricted to 09:30 to 16:30

However, following further discussions have agreed that, bearing in mind the proposed level of traffic movements associated with this proposal, a start time of 08:30 would not lead to significant additional nuisance being caused.

K.C. PROW - No objection following the submission of additional information clarifying how vehicles and pedestrians would be managed and subject to appropriately worded warning signage being erected. PROW advise that:

- Signage would be required for both drivers and pedestrians
- Signage should inform pedestrians of the presence of vehicles and the banksmen operations

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

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

- 10.2 Economic role – contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements; including the provision of infrastructure;
- 10.3 Social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being
- 10.4 Environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to low carbon economy.
- 10.5 Guidance in the NPPF also indicates that there is a presumption in favour of sustainable development and that in decision making, applications that accord with the development plan should be approved without delay. Furthermore the NPPF provides a positive approach to strong economic development. Paragraphs 19 and 20 state that: ‘...significant weight should be placed on the need to support economic growth through the planning system. To help economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.’
- 10.6 Paragraph 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation.

- 10.7 Annex 2 of the NPPF includes a definition of the term ‘minerals of local and national importance’. This lists a series of ‘minerals which are necessary to meet society’s needs’ and includes fire clay – the clay which is extracted from Bromley Farm Quarry is used by one of the country’s main manufacturers of clay pipes at their plant at Cawthorne and it is therefore seen as an extremely important local mineral.
- 10.8 This site is located within the Green Belt and it is therefore considered that the key consideration is first whether the proposed development is appropriate development within the Green Belt and, if not, whether there are any very special circumstances which clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness or by any other harm.
- 10.9 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
- 10.10 Paragraph 87 of the NPPF confirms that inappropriate development within Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 10.11 Paragraph 89 of the NPPF lists a number of exemptions which are not considered to be inappropriate development and paragraph 90 lists forms of development which can be considered to be appropriate subject to the openness of the Green Belt being preserved and there being no conflict with the purposes of including land within the Green Belt. Mineral extraction is included as a form of development which is potentially appropriate in the Green Belt as stipulated paragraph 90. As this proposal would be directly associated with the transport of mineral from an active mineral site it is considered that it should be assessed in terms of minerals development for the purposes of the NPPF.
- 10.12 The site is immediately adjacent to an active mineral working allocation in the Kirklees Unitary Development Plan and minerals extraction area ME224b in the emerging Local plan. The Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public.

In respect of the emerging Local Plan, the site remains within the Green Belt and has not been allocated for any specific purpose. Given that the PDLP has now been submitted, consideration needs to be given to the weight afforded to the site’s allocation in the PDLP.

- 10.13 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.14 As this proposal would facilitate the extraction of minerals from a site which is allocated as a mineral extraction site, it is considered that it would not conflict with the emerging local plan.

10.15 Whilst it is acknowledged that this proposal would have an impact on the local area (see sections below), on balance it is considered that the principle of temporarily using this access in connection with mineral extraction is acceptable subject to there being no conflict with local or national policy documents with regard to its associated impacts.

10.16 Residential amenity

10.17 The eastern section of this site is immediately adjacent to the gardens of a number of residential properties which are likely to be the most affected by this proposal. It is considered that the principle effects on residential amenity associated with this development would be in respect of noise, dust/air quality and visual impact.

10.18 Noise – The applicant has provided a noise assessment to support this proposal which compares the existing noise climate with the predicted impact associated with the use of this access route by quarry traffic. The assessment considers 19 sensitive receptors located within the Bromley Park residential development which are considered to be the sites most likely to be affected by this proposal. The assessment concludes that this proposal would result in a potential impact of between negligible and moderate adverse. However, the absolute level of sound from road traffic and the quarry access is low and is within internal and external guideline levels at existing dwellings. Officers have reviewed this assessment and are in agreement with its conclusions.

10.19 Dust – this proposal has the potential to generate dust during dry periods as a result of HGV movements agitating material on the surface of the access. This is not uncommon during mineral extraction operations. However, measures can be implemented that can mitigate against such impact. These measures can include:

- dampening of materials for dust suppression as required to avoid re-circulating fine material
- self-sheeting lorries being employed to ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport
- on site vehicle speeds being limited to reduce dust emissions
- wheel washing and water assisted road sweeping facilities to minimise the impact of trackout

- effective staff training in respect to the causes and prevention of dust including the provision of a method for visual dust monitoring across the Site

10.20 It is therefore proposed to require the submission and approval of a dust suppression scheme prior to the export of mineral to ensure dust generation resulting from this proposal is minimised.

10.21 Visual Impact – The visual impact associated with this proposal would relate to that associated with an increased number of HGVs passing residential properties in this vicinity. Having said this the majority of these residential properties are screened by existing mature vegetation which would act to screen HGV movements to a significant degree, particularly in the summer months. Bearing in mind the current level of HGV traffic associated with the building supply yard and existing bus movements, it is considered that, whilst this proposal will have an impact on visual amenity, this will be limited and for a temporary period. Consequently it is considered that this proposal will not have a significant additional detrimental impact on the visual amenity of the area.

10.22 It is therefore considered that this proposal would accord with Kirklees UDP policies EP4, EP6 and M3, KPDLP policies PLP36, PLP 52 and chapter 11 of the NPPF with regards to this proposals potential impact on residential amenity.

10.23 Landscape issues

10.24 Although the site lies within the Green Belt it carries no statutory designations and is considered to have a landscape character which can be described as Rural Fringe. Such landscapes are settled and intensively farmed creating a small scale, complex landscape of more varied landform and vegetation cover.

10.25 This proposal would see no significant alterations to the existing track and the only real impact on the landscape would result from an increase in HGV movements to this area. However, as previously outlined the area already sees such vehicle movements associated with existing activities in the vicinity. The site is well screened by existing mature vegetation which would prevent long distance views from the surrounding landscape. Consequently only near distance views from the PROW which crosses this site and the railway station would be possible. It is therefore considered that the character of this part of the landscape would only see a very limited change which would be intermittent.

10.26 It is therefore considered that this proposal would not result in a significant adverse impact on the area's landscape character and therefore accords with Kirklees UDP policy M3, PDLP policies PLP 32 and PLP36, and chapter 11 of the NPPF with regard to this proposal's potential impact on the local landscape.

10.27 Highway issues

10.28 The proposed access would be via a private road over rail bridge which is in the ownership of the applicant. The route has been used in the past to access quarry activities at Bromley farm and is currently used by non-quarry traffic to access agricultural land and a gas distribution station to the west of the railway line. The current planning permission for the adjacent quarry allows the use of this route to gain access to the quarry in an emergency only.

- 10.29 There is an uphill gradient as the track rises from the metalled part of Wood Lane and crosses the railway. The track itself is hard surfaced but materials vary comprising brick, stone concrete and tarmacadam. The narrowest point on the bridge measures approximately 3.6m and the geometry of the track at this point is such that it will not allow two way traffic or vehicular traffic and pedestrians together.
- 10.30 However, the applicant has produced a tracking assessment and swept analysis which indicates that a large tipper truck with dimensions of 10.9m x 2.5m can suitably negotiate the access junction and the road over rail bridge in order to access the quarry site.
- 10.31 This proposal would involve a maximum of 44 two way vehicle movements along this track to facilitate the staff and haulage operations. 38 of these vehicle movements would involve HGVs. The applicant has indicated that the HGVs would operate in tandem arriving and leaving the site together which would equate to one arrival slot and one departure slot every hour. The applicant has provided a transport assessment to support this application which indicates that the traffic generated by this proposal is not significant bearing in mind the current levels of traffic and as a consequence the existing highway network would not be adversely affected.
- 10.32 As the track is a PROW (DEN/119/10), there is the potential for conflict between pedestrians and the proposed vehicle movements. However, the applicant has put forward measures to reduce the risk to pedestrians using this route which can be summarised as:
- Warning signs alerting drivers to the possibility of pedestrians using the track and that pedestrians have the right of way at all times
 - HGV movements on the track to only take place when the banksman is present
 - The erection of a fence to the west of the bridge to provide a 2m wide route along the southern side of the access track to separate pedestrians from the vehicular route.
 - The regular management of vegetation and the upgrade of the ground to ensure pedestrians have a safe and suitable surface to use.
 - Signage to alert pedestrians to the potential presence of vehicles on the track and what procedures to follow.
- 10.33 The applicant has confirmed that a Traffic Management Plan (TMP) would be introduced to ensure that any adverse impacts associated with this development would be satisfactorily mitigated. The plan would include the following measures:
- All HGV traffic to be routed to and from the site from the east along Wakefield Road
 - All HGV movements across the bridge to be managed by an appropriately trained, qualified and certified banksman

- The site banksman to be notified of arrival time of incoming HGVs by processing plant
- Banksman to have radio communications with HGV drivers
- HGV movements to give-way to pedestrian movements when accessing/egressing the site
- Wheel washing facilities to be located on an area of hard surfacing west of the road over rail bridge

It is proposed to secure the submission and agreement of such a TMP prior to the export of mineral from the adjacent quarry via a planning condition.

10.34 Officers consider that subject to the measures indicated above, this proposal would not have a significant additional adverse impact on highway safety in the vicinity of the site and would therefore accord with Kirklees UDP policies M3, R13, T10, T19 and PDLP policies PLP 21 and PLP22.

10.35 Drainage issues

10.36 The use of significant quantities of water to clean vehicles before exiting the site has the potential to cause problems as a result of inadequate drainage. This could be exacerbated by the deterioration of the surface of the access track as a result of HGV movements.

10.37 However it is considered that measures such as cut off ditches and lagoons could be implemented to mitigate against this impact. Should planning permission be granted it is proposed to include a planning condition requiring the submission and implementation of a scheme to address the issue of site drainage. Furthermore the applicant has confirmed that prior to development commencing a conditions survey would be carried out and the surface of the track repaired as required and subsequently maintained for the duration of operations.

10.38 This proposal would therefore accord with KPDLP policy PLP 28 and chapter 10 of the NPPF with regard to the provision of sustainable drainage.

10.39 Representations

10.40 As previously indicated 29 letters of objection have been received in connection with this application, the relevant issues raised and associated responses can be summarised as follows:

The proposal would have a detrimental impact on highway safety in the vicinity of the site due to the increase in HGVs.

Response: This matter has been considered in the section of this report titled "Highway issues".

A public right of way runs along Wood Lane and users of that route will be put at risk.

Response: This matter has been considered in the section of this report titled "Highway issues".

The bridge will not be able to support lorries of the size required.

Response: The applicant has provided a structural survey in support of the application which indicates that the load bearing capacity of the bridge is sufficient to support the loads generated by this development.

The quarry causes problems with noise and dust and should now be prevented from operating further.

Response: the quarry has planning permission to continue operating until 2042 if required. This proposal would potentially see the removal of the remaining viable mineral and the site restored much earlier than this date.

The proposed access will lead to noise nuisance being experienced by the nearest residential properties.

Response: This matter has been considered in the section of this report titled "Residential amenity."

This proposal is likely to reduce house values in the area.

Response: The effect this development may have on the value of property in the area is not a material planning consideration and cannot therefore be considered in the assessment this or any planning application.

Heavy Vehicles are likely to cause damage to the bridge leading to debris falling onto the railway line.

Response: It is proposed to include a planning condition in a subsequent grant of planning permission which would require the installation of bridge parapet protection measures and that following an incident causing damage operations to cease until such time it is deemed safe to continue. Network rail must be notified of any damage caused to the bridge in order that adequate measures are taken to deal with such an incident.

The proposal would have a detrimental impact on local ecology.

Response: Whilst the site lies close to land forming part of the wildlife habitat network, the proposal would not involve any significant physical works being carried out on the access track and the works within the quarry site will only affect a relatively small area of land which is not ecologically sensitive.

Visibility at the junction of Wakefield Road and Wood Lane is poor and slow moving lorries will cause problems.

Response: Whilst it is acknowledged that visibility at this junction is not ideal, the applicant proposes that all HGVs leaving the site will turn left only and will not therefore have to pull out across the whole carriageway. Furthermore, the transport assessment carried out to support this application indicates that the 22 outbound movements per day associated with this proposal is well within the daily variation of traffic numbers travelling south along Wakefield Road. It is therefore considered that the additional traffic generated at this junction will have a negligible impact.

A high pressure gas pipe crosses the site and may be damaged by heavy vehicles.

Response: A high pressure gas pipe is in close proximity to this site and HGVs would need to cross over it once they enter the quarry area. Should planning permission be granted for this development it would be the developer's responsibility to ensure that any gas infrastructure is adequately protected. The HSE has been consulted with regard to the proposal and raised no objection and the pipeline operator has indicated that subject to adequate measures such as a reinforced crossing point this development would not detrimentally effect the existing gas infrastructure.

The proposal will result in the deposit of debris on the highway which could present a risk to highway safety.

Response: The applicant has indicated that a wheel wash facility would be provided for vehicles leaving the site and it is proposed to include a planning condition requiring the provision of such a facility and that all vehicle chassis and wheels are cleaned before they enter the public highway. Furthermore, the traffic management plan required, should planning permission be granted, would include the use of a mechanical road sweeper if required on the local highway network.

The proposal will result in the generation of dust which will cause nuisance to local residents.

Response: This matter has been dealt considered in the Section of this report titled "Residential amenity".

The surface of the access road is poor and constant use by HGVs would cause the surface to break up causing problems with drainage.

Response: This matter has been considered in this report in the section titled "Drainage issues".

11.0 CONCLUSION

- 11.1 Whilst historically the quarry associated with this proposal has been accessed via a purpose built haul road which enters the site from the north west, the applicant no longer has an agreement with the owner to use this route. As a consequence, there is a significant quantity of mineral of local and national importance remaining within an operational quarry and currently no means to transport the mineral from the site or complete site restoration. This proposal would allow the mineral to be exported and the site restored in advance of the planning permission deadline which allows mineral extraction from this site until 2042. The applicant has indicated that the most intensive period involving the transport of mineral is estimated to take 12 months and site restoration would be completed within 5 years of the commencement of this development.
- 11.2 It is considered that, although this proposal will have an impact on the immediate locality and it not an ideal access solution, this impact would be limited and for a temporary period only and measures could be implemented which would satisfactorily mitigate the effects of the development to an acceptable level, however this remains a balanced recommendation.
- 11.3 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.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard condition requiring implementation within 3 years
2. Condition requiring that the use of the access to cease within 5 years of the date of commencement of the development
3. The submission of a traffic management plan prior to development commencing.
4. The submission, agreement and implementation of a scheme detailing road markings, warning signage and safety fencing prior to development commencing.
5. The surface of the access road to be repaired to a satisfactory standard prior to the export of mineral from the adjacent quarry and a requirement that the surface is maintained for the duration of operations.
6. The submission, agreement and implementation of a drainage scheme prior to the export of mineral from the adjacent quarry.
7. The submission, agreement and implementation of a drainage scheme prior to the export of mineral from the adjacent quarry.
8. The submission, agreement and implementation of wheel washing arrangements prior to the export of mineral from the adjacent quarry.
9. The submission, agreement and implementation of a noise management plan prior to the export of mineral from the adjacent quarry.
10. The submission, agreement and implementation of a dust suppression scheme prior to the export of mineral from the adjacent quarry.
11. The operation of the access track to be limited to 08:30 to 16:30 Monday to Friday.
12. All HGVs using this route to be fitted with white noise reversing beepers
13. The submission, agreement and implementation of parapet protection measures prior to the use of the access.
14. A requirement to suspend operations if the bridge is damaged until it is deemed safe to continue
15. The implementation of a 5 mph speed limit for all vehicles on the access track.
16. The maximum gross weight of vehicles using the track not to exceed 24 tonnes.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93658>

Certificate of Ownership – Notice served on Mr J G Senior (agricultural tenant) on 20 October 2016.