

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 22nd December 2022

SUBJECT: Application 22/04074/FU – The erection of a filter press to recover and recycle water from the sand washing plant at Odda (Hawksworth) Quarry and produce clay soil for the restoration of the exhausted quarry workings or exportation as product. Removal of the settlement lagoons in the quarry. The landscaping of the southside quarry face near to the filter press. (Part Retrospective) Land at Hawksworth Quarry, Odda Lane, Hawksworth.

APPLICANT

Whitlock Plant Ltd

DATE VALID

27th July 2022

TARGET DATE

26th October 2022

Electoral Wards Affected:

GUISELEY & RAWDON

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

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Narrowing the Gap

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RECOMMENDATION: Members are recommended to approve this application in principle and defer and delegate the final decision to the Chief Planning Officer subject to attachment of conditions as referred to in this report and such other conditions or amendments he may consider appropriate.

1.0 INTRODUCTION

- 1.1 The planning application proposes the introduction of fixed plant to manage the water consumption of a sand wash plant previously approved under condition 19 of planning permission 28/96/93/FU. A request was made by Ward Members for the application to be determined at Plans Panel because of the contentious nature of the site and the subsequent wider material impacts of the proposals on the community. The Chair has been consulted and considers this application ought to be heard at plans panel and this meets the conditions of the delegation for referral. The application is part-retrospective as the bay structure upon which the filter press unit is to sit has already been constructed.

2.0 PROPOSAL:

- 2.1 The proposal is for ancillary plant to go with a previously approved sand wash plant installed at the quarry. The wash plant was approved under condition 19 of planning permission no 28/96/93/FU for continuation of stone quarrying and construction of buildings. The condition states:

‘No buildings, structures, immobile plant or mobile screens and crushers which can only be operated while stationary shall be erected or positioned except with the prior agreement of the Local Planning Authority.’

The applicant originally requested that the proposed filter press was also approved under this condition, which effectively restricts Permitted Development Rights at the quarry. This request was considered but Officers considered that, due to the proposed location of the filter press close to the boundary of the quarry with a private residence, if prior agreement is to be provided it should be through the mechanism of a full application. The Permitted Development Right in question allows for the refusal of the request on amenity grounds and it is considered that a decision can therefore be made by the Council at Plans Panel. The mechanism for this to be achieved is through the submission of a full planning application.

- 2.2 The proposed filter press consists of an enclosed shed-type structure sitting atop concrete storage bays with associated gantries and water/sludge tanks. The filter-press plant itself is located within the shed structure.
- 2.3 The application includes the addition of landscaping to improve the amenity of the adjacent land which is in private, domestic ownership. It is not considered that the land in question forms part of the curtilage of the dwelling which sits at the bottom of the hill, on the far side of the private wooded area.
- 2.4 The application would help to facilitate the removal of deep lagoons which have been engineered within the quarry to feed the wash plant, this application will resolve a number of health and safety issues on the site regarding the lagoon in its current state and will be present until closure of the quarry.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an operational quarry situated within the Green Belt adjacent to the village of Hawksworth, north-west Leeds. Access is taken from Odda Lane at the western boundary of the site. The site itself sits on a ridge and is therefore visible over long distances, from Baildon Moor to the South West and from the elevated area north of Guisely. Views into the site are limited, however, and none of the structures within the quarry can be seen from public view points. The quarry is visible over longer distances as a change in the landscape type from agricultural fields to more of a delf type of land-form. The wider landscape, including the quarry is designated as a special landscape area in the Leeds Unitary Development Plan (UDP) and there is a Defra-designated Site of Special Scientific Interest (SSSI) associated with moorland 1.6km to the north east of the application site. The quarry is safeguarded for mineral extraction purposes under the Leeds Natural Resources and Waste Local Plan (NRWLP). The quarry abuts onto private, third party land to the south and west and onto land owned by the same landowner to the east and south. The closest residential dwelling to the south is 70m away and to the west at 53m. Main Street, Hawksworth runs parallel to the south of the site at between

120m and 150m. Hawksworth Primary School sits within the village, fronting onto Main Street.

4.0 RELEVANT PLANNING HISTORY:

4.1 28/96/93/FU: Continuation of existing stone quarrying and the erection of buildings; approved 26.01.96.

06/02041/FU: Extension of Odda Lane Quarry, for the winning and working of minerals; approved 28.07.09

14/01944/FU: Extension to the limit of mineral extraction within existing quarry up to northern boundary wall; approved 06.03.15

15/04550/FU: Variation of conditions, 2, 5 and 22 of previous approval 14/01944/FU (extension to the limit of mineral extraction within existing quarry) relating to final date of restoration, provision of soil bund and to allow the use of low explosives or nonel for splitting blocks; approved 19.01.2016.

19/04163/FU: Determination of conditions for quarry (Environment Act 1995) - Mineral Review; pending consideration.

19/05699/FU: Variation of condition number 18 (to allow for recycling of inert waste) of planning permission 28/96/93/FU (continuation of existing stone quarrying and the erection of buildings); refused 15.09.2020

21/07664/FU: Variation of condition numbers 18 and 20 of planning permission 28/96/93/FU to allow for the recycling of waste as part of the quarry restoration scheme and the increase of the amount of waste to be stored on site from 500 tonnes to 30,000 tonnes; refused 31.03.22, currently under appeal.

4.2 Enforcement History:

Live Cases

20/00306/NCP3 - Increase in the traffic movements to and from the quarry and the site being in operation Good Friday and Bank Holiday Monday. PCN issued and responded to. BCN issued because works took place on Sunday 16th August 2020, in breach of planning Condition 16 of Planning Permission ref. 28/96/93/FU. Investigations continue.

20/00984/NCP3 - Non-compliance with condition 8 (HGV total trips) under approval 15/04550/FU. Breach founded. Enforcement Notice served. Investigations continue.

20/01017/NCP3 - Importation of construction and demolition waste to site for recycling in wash plant. PCN issued. Investigations continue with Environment Agency assistance.

21/00538/NCP3 – Un-sheeted quarry vehicles. Breach founded and BCN issued for vehicles to be sheeted on exit from the quarry, to comply with planning condition 12 of Planning Permission 06/02041/FU and condition 10 of Planning Permission 15/04550/FU.

21/01459/NCP3 - Compliance check: operating hours, sheeting of vehicles, times and number of vehicle movements. No further breach of un-sheeted vehicles observed. Other grounds for complaint under investigation.

Closed Cases

ENF/438/04/MIN - Loose rock, overburden etc has been deposited outside the quarry to form an unauthorised access. Breach - Enforcement Notice issued and complied with. Case closed.

06/00582/NCP2 – Mud on Road. Breach - action taken in default by Council's Highway Enforcement Team via a S151 Notice and notice complied with. Case closed.

07/00833/NCP2 – Waste Transfer activity. No breach, material was imported to make good internal roads. Case closed.

12/00887/MEXTQ – Noise from use of a Pecker. No further action as Pecker removed from the site. Case closed.

12/01429/WHAREC – Noise from quarry. No Breach – a large 360 Excavator used for 1 week to remove blockstone has been removed from the site. Case closed.

13/00280/NCP3 - Failure to install wheelwash in accordance with condition 14 of planning permission 06/02041/FU. Breach but other equipment is being used until the quarry is opened up. To monitor and case closed.

13/01015/WHAREC - Noise from use of Pecker. Pecker was only used for a few days and has now ceased, case closed.

15/00101/MEXTQ - Alleged quarrying outside permitted boundary. No breach and case closed.

17/00930/NCP3 - Large number of vehicle movements noted. Mud being tracked out onto highway. No breach and case closed.

18/00742/NCP3 – breach of operating hours and stockpile heights. No breach. Stockpile heights within limit/s. The blockstone saw was in operation outside of the approved quarry hours. Warning issued. Case closed.

18/00991/NCP3 - Alleged use of unit for car parts business and working of northwest face. Breach found - part of one of the buildings is being used for the storage and distribution of Landrover parts. PCN issued and responded to. Confirmation from Planning Agent that the use has ceased. Officer site visit confirmed this was the case. Case closed.

18/01293/NCP3 - Mud is being tracked out onto the public highway and operating hours. BCN issued for failure to comply with condition 15 of planning permission 28/96/93/FU which states, 'No operations other than maintenance work outside buildings constructed on the site shall be carried out except between 0730 and 1730 weekdays and 0800 and 1230 Saturdays. Notice complied with within time-period. Case closed.

19/00449/MEXTQ - Buildings have been erected and the use may not be linked to quarry operations. Materials is being imported and processed. Breach founded and PCN issued and responded to. Resolved under PD request. Case closed.

20/01018/NCP3 - Failure to discharge conditions 14, 26 and 32 of permission 06/02041/FU. No action as the ROMP application is live and all conditions are to be reviewed through this process.

20/01028/NCP3 - Failure to discharge conditions 12, 18 23 & 24 of Planning Permission 15/04550/FU. No action as the ROMP application is live and all conditions are to be reviewed through this process.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was requested by officers as a way of dealing with a request submitted by the applicant to accept the proposed filter plant as Permitted Development under condition 19 of planning permission 28/96/93/FU. The planning condition requires prior approval of such plant and it was considered by Officers that such approval would be best granted or refused by means of a planning application, due to the increasing likelihood of cumulative impacts on surrounding amenity. As the development was thereafter commenced prior to approval being granted the applicant has forfeited the right for the development to be considered as Permitted Development. Notwithstanding this, the local planning authority considers that the proposal does not fall within the remit of Permitted Development in any case and that full planning permission is required to authorise these operations.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised in the Yorkshire Evening Post on 26.08.22 and by site notice on 18.08.22. 68 objections have been received.

6.2 Issues Raised

- The application is retrospective
- Works have taken place outside the approved quarry boundary
- The filter press has been constructed on land which should never have been excavated in the first place
- Traffic impacts
- Ground slippage is already occurring
- Noise impacts
- Will increase the duration of activity at the quarry
- Dust impacts
- Would result in a loss of trees and harm wildlife
- The quarry has not adhered to any previous planning conditions
- Visual impacts
- Impact on Green Belt
- The application will not conserve and enhance biodiversity
- Proposal includes further excavation along the southern boundary
- Impacts of excessive use of water
- The location of the filter press makes it impossible to restore the southern boundary as promised in the planning application
- The filter press could be situated in a different location

- Includes the importation and treatment of industrial waste
- The Council claim to be unable to enforce the planning rules
- Similar issue on north-west boundary
- The lagoons to be removed shouldn't be there anyway
- The filter press is only required to assist in the manufacture of soil.
- Concern that the filter press would be operational 24 hours per day
- Comment on the quality of the plans submitted

6.3 Councillor Thomson states the following:

'I am writing to express my objection to the above Planning Application. I do so following a number of conversations with Hawksworth residents and having gathered further information about this case.

My objection is on the following grounds:

1. The plant, already under construction for some time, is located outside the quarry boundaries.
2. The siting of the press renders reinstatement and landscaping of the Southern boundary impossible, thereby invalidating the applicant's claims in this regard.
3. Construction of the filter press began on the quarry boundary without first seeking planning permission and has continued despite repeated requests from Minerals Planning to cease. This is unacceptable.
4. Repeated applications, appeals and observations of vehicle movements and claims of exemptions for handling imported waste continue to raise residents' concerns that the operator still wishes to move towards using the site for the storage and processing of waste. This application only serves to amplify those concerns.

I support residents in their legitimate demands for firm action against the operators to bring them into line with planning and minerals regulations. I believe that rejecting this application is a very important part of that process.'

Councillors Alderson and Wadsworth request that the application be determined at Plans Panel:

'In respect of the planning application to install a Filter Press at Hawksworth Quarry (22/04074/FU). Due to the level of objection and community interest in this and the long standing difficulties and issues associated with the Quarry, not least in terms of past planning applications and the activity at the Quarry we think that in the interest of transparency and enabling the local community to have a say at a public panel meeting this application should be referred to Plans Panel.'

7.0 CONSULTATIONS RESPONSES

7.1 Statutory

Environment Agency:	No objection
Yorkshire Water:	No Comment
Highways:	Outstanding issues considered to have been resolved

7.2 **Non-Statutory**

Flood Risk Management:	No objection
Environmental Health:	No objection subject to condition
Landscape Team:	No objection subject to condition

8.0 **PLANNING POLICIES:**

8.1 Local

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.3 The policy guidance in Annex 1 to the National Planning Policy Framework (NPPF) is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align fully with the NPPF and National Planning Policy for Waste (NPPW).

8.4 The adopted Leeds development plan consists of:

Leeds Core Strategy (Adopted 2014, amended 2019)
Saved policies of the Leeds Unitary Development Plan (Reviewed 2006).
Leeds Natural Resources and Waste Local Plan (Adopted 2013/15)
Leeds Site Allocations Plan (Adopted 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

8.5 The development plan policies, supplementary development documents and national guidance as outlined below are considered to be relevant to this application.

8.6 Site Allocations Plan 2019

Allocation reverts to NRWLP

8.7 Core Strategy 2019

Spatial Policy 1: Location and scale of development
Policy G8: Protection of important species and habitats.
Policy G9: Biodiversity improvements.
Spatial Policy 13: Strategic Green Infrastructure
T2: Access & Highways
EC3: Employment Shortfall Area
Policy P10: Design
Policy P12: Landscape

8.8 Unitary Development Plan Review 2006 Saved Policies

Policy GP5:	General planning considerations.
Policy N32:	Site located in the Green Belt.
Policy N33:	Exceptions to Green Belt.
Policy N37:	Special Landscape Areas
Policy BD2:	Design and siting of new buildings

Natural Resources and Waste Local Plan 2013/15

8.8	Minerals 4:	Safeguarding existing minerals sites.
	Minerals 7:	Preferred areas for extraction of sandstone and clay
	Minerals 9:	Material considerations for minerals applications
	Minerals 10:	Restoration of minerals sites
	Air 1:	Management of air quality
	Water 1:	Water efficiency
	Water 2:	Protection of water quality.
	Water 7:	Surface water run off.
	Land 2:	Development and Trees

National Policies

- 8.9 The NPPF (2021) sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It is supported by the guidance within the National Planning Practice Guidance (NPPG). The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). So that sustainable development is pursued in a positive way at the heart of the NPPF is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38). The NPPF sets policies on the following issues which are relevant to this planning application proposal:

Section 1:	Decision Making (Planning Obligations) (para 56)
Section 6:	Building a strong, competitive economy (paras 81, 83, 84, 85)
Section 11:	Making effective use of land (para 120)
Section 13:	Protecting Green Belt land (paras 138, 147, 148, 149, 150)
Section 15:	Conserving and enhancing the natural environment (paras 174, 180, 183, 184, 185, 186, 188)
Section 17:	Facilitating the sustainable use of minerals (paras 209, 210, 211, 213)

9.0 **MAIN ISSUES**

- 1) Principle
- 2) Visual Impact
- 3) Residential Amenity
- 4) Highways
- 5) Ecology
- 6) Drainage & Land Stability

10.0 APPRAISAL

Principle

10.1 *Retrospective Application*

Most of the objectors, along with Councillor Thomson, make reference to the fact that work has already commenced on the proposed development. This is the case and the applicant is aware that any work carried out is at their own risk. However, the retrospective nature of the application in itself is not a ground on which it can be refused. S73A of the Town and Country Planning Act 1990 makes provision for local planning authorities to determine planning applications for development which has been carried out a) without planning permission, b) in accordance with planning permission granted for a limited period or c) without complying with some condition subject to which planning permission was granted. In this case, condition 19 of planning permission no 28/96/93/FU requires prior agreement to be sought for buildings, structures and immobile plant. Prior agreement was requested but, due to increased levels of public interest in the site, a planning application was sought in order to provide a more transparent mechanism through which approval could be granted or refused. Work was then commenced on the development.

10.1 *Mining Permissions*

A second concern raised by most of the objectors and Councillor Thomson is that the development has been constructed outside the red-line boundary and therefore represents a 'land grab' and should therefore be refused on principle. This is not the case although it is by no means a simple matter. Drawing no FF/118/01 of Planning permission 28/96/93 defines the boundaries of the part of the quarry in which the proposed filter press is to be located. There is also Section 106 agreement which relinquishes the previous planning permission from 1954 and ties the current approval to a plan which is entered into the register of local land charges. The original 1954 red line is therefore the relevant drawing. The Decision Notice ties the approval to drawings FF/118/01 and FF/118/02 at condition 1. Drawing no FF/118/02 provides further clarity as it shows more land area and the boundary line can be more readily identified. This latter drawing shows an operational plan with landscape proposals and it is this drawing which was not complied with.

10.2 To be clear, the boundary line of the quarry has not been breached and the principle of extraction is accepted within this boundary line so it is not considered that a 'land grab' has taken place. However, it is true to say that condition 1 of the planning permission ties the operators of the quarry to an operational area which, historically, has been breached.

10.3 The position was updated through planning permission 06/02041/FU, in which plan no HE/OLQ/PA0206-01 shows the existing operational area within a red line and the approved quarry boundary within a blue line. The applicant has annotated this plan with a red line showing 'existing planning permission area'. This plan contradicts the original plan but it doesn't in itself change the approved boundary. Drawings HE/OLQ/PA0206-02, 03 and 04 update the operational plan for the whole quarry, taking into account the extension area and these are considered to carry weight because they don't affect the original quarry boundary and also don't contradict the original plan in terms of which areas were to be extracted from. These plans show no extraction in the current planning application area.

- 10.4 Subsequently, a second extension area was approved under planning application no 15/04550/FU. Within this application, which has a red line boundary covering a strip to the northern boundary of the quarry, plan no JOPL/OQ/DEC13-01 shows the situation in December 2013. In this case the plan shows the 'permission area' to be the same as was originally approved under 28/96/93. Again, this plan doesn't materially affect what was approved under 28/96/93 in terms of the site boundary but it does show the area to the south east, where the current application is located, to have been excavated. Plan no JOPL/OQ/MCC – 25 shows the situation at the quarry in January 2012 and this shows the area in question not to have been excavated. It is clear, then, that Officers were aware of the situation in 2015 at the time of the application. An enforcement investigation was opened with regard to alleged quarrying outside of the permitted boundary in February 2015 and it was concluded, on 28.07.16, that no breach had taken place. Planning application 15/04550/FU was approved on 19.01.16.
- 10.5 Clearly a view was taken at the time that the additional excavation to the south eastern corner did not represent a breach of the planning permission and this situation was regularised by the inclusion of plan nos JOPL/OQ/DEC13-01 and JOPL/OQ/MCC-25 into the approved plans schedule for application 15/04550/FU.
- 10.6 Consequently, as the proposed filter-press is considered to be ancillary to approved mineral extraction activities and within approved boundaries it is therefore considered to be acceptable development in principle with regard to the extant permissions at the quarry.

Green Belt

- 10.7 The quarry is located in the Green Belt. Paragraph 150 of the NPPF states that mineral extraction is not inappropriate in Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land therein. The current proposal does not extend the boundaries of the existing planning permission. The proposed development involves a new structure to assist with the water management of an approved sand wash plant. The structure includes storage bays which have already been constructed and, to sit on top of the bays, a shed which would contain the filter press. The process itself does not require permission, nor does the filter press plant which is housed within a building and does not include any external elements.
- 10.8 It is not considered that the proposal conflicts with the purposes of including land within the Green Belt which are as follows:
- To check the unrestricted sprawl of large built-up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land

Bearing in mind that the quarry already exists and does not, through that existence, turn the land into developable (ie brownfield) land and will ultimately be returned to countryside, it is not considered that it has an urbanising effect which would allow the unrestricted sprawl of large built up areas, prevent neighbouring towns from merging or represent encroachment of the urban area into the countryside. Although objectors would disagree, the quarry forms part of the setting and special character of Hawksworth and has done for many years. The quarry's greenfield

status ensures that the hierarchy of developable sites remains in which the recycling of brownfield sites is encouraged.

- 10.9 With regard to openness, the proposal involves a structure which would be removed at the end of the life of the quarry. While objectors argue that the proposal would extend the life of the quarry this is not considered to be the case as the quarry has a finite lifespan dictated by planning condition. The primary function of the filter press is not to produce clay, although it does do that, it is to provide a sustainable way to recycle water required for use in the sand wash plant. Even the wash plant, which does produce different types of aggregate will not extend the life of the quarry, it merely provides an additional saleable aggregate product for which there is a local need. This all forms part of the mineral extraction process and the NPPF is clear when it states, at paragraph 211 that great weight should be given to the benefits of mineral extraction when determining planning applications.
- 10.10 The lifespan of the quarry notwithstanding, some consideration should be given to the structure itself and what, if any harm it represents to the openness of the Green Belt. NPPF, adopted policy and caselaw require the decision maker to assess the impact of a proposal on the openness of the Green Belt and, where it is relevant to do so, require a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
- 10.11 With regard to the size and visual impact of the proposed structure, the shed would extend above the original ground level of the site by around 5m. This would be partially visible from private land adjacent to that boundary although the proposed landscaping would soften this view. If the shed is finished in a dark green colour it is unlikely to be seen from any public view-point. It would not show up at distance from, for example, Baildon Moor which has a view of the quarry and local topography would ensure that it would not be visible at distance from land to the north or, closer by from the footpath to the east. In the context of the quarry as a whole and, taking account of the fact that most of the structure would be situated below the original ground level within the quarry void and would be screened from view, the size and volume of the structure is not considered to generate harm to the openness of the Green Belt. The temporary nature of the structure, along with the fact that it will produce restoration material, will ensure that as the quarry reaches the end of its life the land will be returned to a better state than it currently is. With regard to traffic generation, the maximum produced, assuming 100% of the filter cake was to be exported, which is unlikely, would result in two traffic movements per day. Highways have concerns that the current allocation is currently being significantly breached on a regular basis which makes an assessment of the impact of the filter-cake exportation difficult to carry out. Consequently a condition restricting exportation of filter-cake subject to resolution of on-going breaches is recommended. Once this is achieved, it is considered that the exportation of filter-cake could easily be accommodated within the current allocation of 110 movements per week.

- 10.12 It is considered, therefore, that the current proposal preserves the openness of the Green Belt. As such, the proposal is not considered to be inappropriate development.
- 10.13 On the whole, the proposal is considered acceptable with regard to the principle of development.

Visual Impact

- 10.14 Policy Minerals 9 requires consideration to be given to:
- The layout of operational areas e.g. plant yards and processing facilities.
 - Effect on visual amenity
 - Retention, treatment and maintenance of boundary features as appropriate
 - Temporary and permanent landscape works including screening
 - Restoration and aftercare
- 10.15 As previously described, the current proposal involves the installation of a concrete bay, surmounted by a rectangular shed with external gantries providing access. There are also two large circular tanks containing water and sludge. Most of the structure will be situated within the quarry void close to the southern boundary and will not be visible from outside the quarry. The containment building for the filter press is 5.5m high to the apex of the roof, with around 5m sitting above the line of the surrounding land. The topography of the land to the south falls away quite steeply and it is considered that the structure will not be seen from dwellings but will be visible from private land at the boundary. Consequently a landscaping scheme has been requested by officers to provide some mitigation for this impact. This includes a bund which will raise the level of the land adjacent to the boundary and will be planted up. The scheme submitted will require further details to be submitted by condition to ensure that the timing and specific elements of the proposal are provided to an acceptable standard.
- 10.16 With regard to longer distance views, the boundaries of the quarry are visible from Baildon Moor to the south, Derry Hill to the north, a public right of way which runs from Thorpe Hall to the west and travels parallel to the quarry to the south, leading to Hillings Lane to the east. The topography of the surrounding land will not afford views of the containment building from the south, east and west. The views from the north may include the new structure, however they are at distance and additional planting should mask the structure, especially if it is finished in a dark green colour.
- 10.17 On the whole, the proposal is considered acceptable with regard to visual impact.

Residential Amenity

- 10.18 Objectors refer to impacts on local residents of dust and noise. Policy Minerals 9 requires consideration to be given to:
- the duration of the development
 - amenity aspects such as noise, dust, litter, odour, vermin and gas emissions
 - hours of operation
- 10.19 The application is for the installation of the filter plant structure only. The current application does not propose to extend the life of the quarry. The date of final

restoration is conditioned to be 31.12.42. This takes into account legislation which requires old quarrying permissions to have an end of extraction date of 21.02.42.

- 10.20 With regard to hours of operation, those approved within the quarry are 0730 – 1730 on weekdays and 0800 – 1300 on a Saturday. The current proposal will work broadly in line with these times although additional time will be required to work through a full drainage cycle. It is proposed to condition hours of operation for the plant to 0730 – 1900 on weekdays and 0800 – 1500 on a Saturday.
- 10.21 Problems relating to odour, vermin and gas are not anticipated. With regard to noise, the filter-press itself is contained within a building and noise information submitted with the application indicates that the plant will not increase noise levels beyond what is acceptable within the NPPF. A condition can be added to require emissions on the boundary to be kept in accordance with the information provided. With regard to dust, the operation of the filter press is a wet one with the residual filter cake drying to a clay-like material. It is not considered that the process will create problems of dust.
- 10.22 With regard to the location of the plant, as described above, it falls within a contended area. However, on balance, it is considered to represent a reasonable solution to on-going complaints about extraction operations on that boundary which are ultimately a private matter. As the operations themselves fall within the scope of the planning permission any opportunity for additional mitigation measures can only be achieved through negotiation. As such it was considered by Officers that to include an element of landscaping to the southern boundary would ultimately be the best outcome that could be achieved. Furthermore, if the application were to be refused this would not prevent other operations from taking place in the same area, resulting potentially in higher levels of noise being emitted.
- 10.23 The filter-press is considered to be a low-impact piece of equipment with regard to noise. The plant housing would provide both a visual and aural screen on the southern boundary to activities within the quarry itself. The Council's Environmental Health Team have assessed the noise information submitted by the applicant and consider that the proposed location of the plant would not increase the overall noise impacts of the quarry at sensitive receptors and a condition can be added requiring impacts to be no greater than existing background levels.
- 10.24 On balance the proposal is considered acceptable with regard to residential amenity.

Highways

- 10.25 Policy Minerals 9 requires consideration to be given to the adequacy of the highway network and the safety of access and egress to the site and other users of the highway including pedestrians; routeing and frequency of vehicle movements, together with hours of operation and timescale for delivery and; measures to prevent dirt being carried out onto the public highway and private highways in public use beyond the site boundary. Objectors have raised concerns about any additional traffic movements from the quarry, which is already operating in excess of its approved movements.
- 10.26 The applicant does not commit to retaining the filter-cake on site for restoration purposes. The maximum number of traffic movements generated by the sale of filter-cake would be 4 per day – 2 in and 2 out, equating to 22 movements over a 5.5 day working week. This would have to form part of the current allocation of 220

movements per week. It is considered by the applicant that this could be easily accommodated within the existing allocation as this maximum would not be required on a week in week out basis.

- 10.27 The Council's Highways Team has concerns based upon recent and historical levels of activity for which a breach of the condition limiting movements has been demonstrated. This reflects concerns raised by residents. Councillor Thomson also raises the issue although she considers this to be representative of a move to unapproved waste recycling.
- 10.28 It is true to say that significant exceedences of approved traffic movements have been demonstrated and enforcement action is currently being taken in this regard to seek compliance. Planning application assessments, however, should be confined to the principles of development in land-use terms and if a particular impact can be mitigated by condition then it becomes approvable. The extant condition limiting movements to 220 per week can, in principle, mitigate the negative impacts on road safety generated by heavier traffic.
- 10.30 On the basis that enforcement action is currently being pursued, and that the generated traffic flows do not exceed the maximum stated HGV's per day (taking account of reduction of trips associated with the importation of water), the Highways Team accepts that the proposed filter press would not generate sufficient HGV movements to have a severe cumulative impact on the highway network.
- 10.31 Subject to a condition ensuring any additional movements are contained within existing restrictions, the proposal is considered acceptable with regard to highway safety.

Ecology

- 10.32 Objectors have raised concerns about the impacts on trees and protected species. Policy Minerals 9 requires consideration to be given to the natural environment. Policy G9 in the Core Strategy states that development will be required to i) demonstrate that there will be an overall net gain for biodiversity commensurate with the scale of development, including a positive contribution to the habitat network through habitat protection, creation and enhancement and; ii) the design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife and; iii) that there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network. This should be balanced against para 209 in the NPPF which recognises that minerals can only be worked where they are found and that best use needs to be made of them to secure their long-term conservation.
- 10.33 In this case it should be pointed out that the proposed development would not result in a loss of trees. The loss referred to in the objection letters relates to extraction activities which took place in 2012. The proposed development would introduce new tree planting to the southern border which would benefit biodiversity and secure improvements commensurate with the scale of the application in accordance with policy G9. It is also considered that the proposal would not have a significant adverse impact on the integrity and connectivity of the Leeds Habitat Network and that the proposed additional planting would improve this.
- 10.34 Some of the objection letters imply that the proposed development would be a permanent feature. This would not be the case under the terms of the current approval, should it be granted. The proposed plant would be tied by condition to

quarrying activities and would have to be removed and the land restored to the approved scheme. An objection states that the Council should stick to the approved plan and this application would do that. In the longer term therefore there would be a significant improvement in biodiversity net gain as the approved restoration scheme offers a diverse landscape which would enhance the biodiversity of the area.

- 10.35 The landscape elements of the proposal are considered to contribute positively to biodiversity in the short term and the subsequent removal of the plant as part of the final restoration of the quarry would contribute significantly to biodiversity enhancement. The proposal is therefore considered to be acceptable with regard to ecological impacts.

Drainage & Land Stability

- 10.36 Policy Minerals 9 requires consideration to be given to the protection of controlled waters, drainage and use of sustainable drainage. Policy Water 1 in the NRWLP states that all new developments should include measures to improve their overall water efficiency where appropriate.
- 10.37 With regard to land stability planning practice guidance states that the effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. They occur in different circumstances for different reasons and vary in their predictability and in their effect on development.
- 10.38 The planning system has an important role in considering land stability by:
- minimising the risk and effects of land stability on property, infrastructure and the public;
 - helping ensure that development does not occur in unstable locations or without appropriate precautions; and
 - to bring unstable land, wherever possible, back into productive use.

The guidance also points out that, under the Quarries Regulations 1999, there is a general duty on the site operator to ensure the safety of quarry excavations.

- 10.39 The current proposal is an attempt by the applicant to retrospectively comply with the Quarries Regulations, having not planned sufficiently well for water management of the sand wash plant. Although Officers considered that they could not refuse the sand wash plant itself under condition 19 of planning permission 28/96/93/FU, they were clear in the approval letter that they did not consider the lagoons which fed the wash plant to be acceptable and that they weren't included in the approval. Officers would have been minded to approve the filter press as an alternative if they had been involved with its location at the planning stage and were given the appropriate noise and traffic information from the start.
- 10.40 The Quarries Regulations are not enforced by the planning system but by the Health and Safety Executive and, although they do not generally respond to planning consultations on this matter, previous correspondence with the HSE as well as the EA has indicated that a filter-press is considered the best way to manage the water requirements of the approved sand wash plant.
- 10.41 Some of the objectors have raised the issue of a landslip which occurred adjacent to one of the lagoons situated at the eastern edge of the quarry, on unexcavated

land. The landslip encroached onto the adjacent right of way. Further landslips have occurred within the quarry itself, created by the huge amounts of water being imported and stored on the land. The situation as it stands is a matter of significant concern for Officers and it is considered that the current application is the best and quickest way to resolve the situation. The alternative would be to pursue the matter through an Enforcement Notice requiring removal of the lagoons. The question as to whether or not the lagoons represent Permitted Development would then, in all likelihood, be tested on appeal. Officers remain confident that such an appeal could be won but, apart from it taking a long time, they also consider that alternative methods of importing water and storing it in temporary, moveable structures would not be the best solution to the water management problem, although it is unlikely that this solution would require approval by the Council and would therefore be what the operator would be forced to do.

10.42 Representations

Those issues raised by representation not covered above include the following:

- The applicant has not adhered to any previous planning conditions:- Not correct. Some conditions have been breached at various points in time but not all of them. Where a breach could not be resolved through on-going discussions with the operator they have been pursued through enforcement action where necessary. Previous breaches of condition are not sufficient reason to refuse a planning application. Applications deal with land-use principles rather than the integrity of the applicant.
- Includes the importation and processing of waste:- Not correct, the application at hand does not include the importation and processing of waste.
- Would mean the southern boundary would be worked further. This would not be the case within the current application. However, this may be looked at in the future and, under current regulations, would be difficult to refuse as the Council would be vulnerable to claims for compensation for any loss of viable mineral resource. Refusal of the current application would not result in back-filling and restoration of this area, nor would it protect the area adjacent to the southern boundary from extraction at a future date.

11.0 CONCLUSION

- 11.1 The proposal is for the installation of ancillary plant at an established and safeguarded operational quarry, an activity supported in principle by local and national planning policy. With regard to all other material planning considerations, the proposal, subject to appropriate planning conditions, is unlikely to cause significant harm and is appropriate to its location. The proposed development does not constitute inappropriate development in the Green Belt as the temporary installation of the plant does not harm the openness of the Green Belt and does not conflict with the purposes of including land within it. As the proposal does not conflict with any relevant policies and it is considered that there are no material considerations that would outweigh local or national planning policy, a recommendation of approval is made.

Certificate of ownership: Certificate B signed by the agent

Appendix 1 – Draft Conditions Schedule

- 1) The development hereby approved shall be deemed implemented on the date of determination.

For the avoidance of doubt.

- 2) The development hereby permitted shall be carried out in accordance with the approved documents, plans and schemes listed in the Plans Schedule, except where such plans are required to be updated or amended pursuant to any condition attached to the permission hereby granted.

For the avoidance of doubt and in the interests of proper planning.

- 3) The Filter Press and any associated structures shall be used only in association with approved operations at the quarry and shall be removed on or before 21 February 2042. Restoration of the site shall be undertaken in compliance with plan no CF/OL/198/3a-A3, received by the Local Planning Authority on 05.10.22 or a subsequently approved plan. Re-instatement and restoration of the site including final tree planting shall be completed not later than 31-Dec-2042.

Imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4) In the event of a cessation of operations for a period exceeding 24 months at any time before 21 February 2042 a reinstatement and restoration scheme shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall provide details of final levels, restoration, landscaping of the site and a timescale for the carrying out of the scheme. The scheme, when considered acceptable to the Local Planning Authority, shall thereafter be carried out within the approved period.

In the interest of visual amenity.

- 5) There shall be no exportation of filter-cake from the site, as defined by plan no JOP/OLQ/21-01 if such exportation would result in a breach of condition 8 of planning permission no 15/04550/FU.

In the interest of Highway safety.

- 6) The filter-press housing shall be finished in a dark green colour.

In the interest of visual amenity.

- 7) Any storage of filter cake shall take place below the ground level of the land adjacent to the approved quarry boundary.

In the interest of visual amenity.

- 8) Use of the lagoons shown on plan no JOP/OLQ/21-01 shall be discontinued upon first use of the filter-press hereby approved. The lagoons shall be drained and associated engineering works removed within 12 months of the planning permission hereby granted.

In the interest of public safety.

- 9) Notwithstanding details shown on the approved plans, within six weeks of the date of this permission, details of landscape works in relation to planting and provision of a soil bund on the quarry boundary shall be submitted for the written approval of the local planning authority. Details shall include
- i) planting plans, including a programme of implementation (showing commencement of planting in the first planting season after completion of the construction phase of the development)
 - ii) written specifications including soil depths, cultivation techniques and other operations associated with plant and grass establishment
 - iii) schedules of plants noting species, planting sizes and proposed numbers/densities.
 - iv) height, width, gradient and constitution of the bund.

All landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.
In the interest of visual amenity and biodiversity

- 10) Trees and shrubs which, within a period of five years of planting, are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

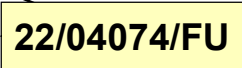
In the interests of visual amenity and biodiversity

- 11) The filter-press shall not be operational before 0730 hours or after 1900 hours on weekdays and before 0800 hours or after 1500 hours on Saturdays. There shall be no operation on Sundays, Bank Holidays, Christmas Day or Good Friday.

In the interest of residential amenity

- 12) Plant and machinery operated from the site shall limit noise to a level no higher than the existing background noise level (L90) when measured at noise sensitive premises, with the measurements and assessment made in accordance with BS4142:2014. The rating level shall include the addition of any character corrections as appropriate. If the character is unknown at the design stage or cannot be evidenced then a penalty of 5dB should be applied to take into account of potential corrections.

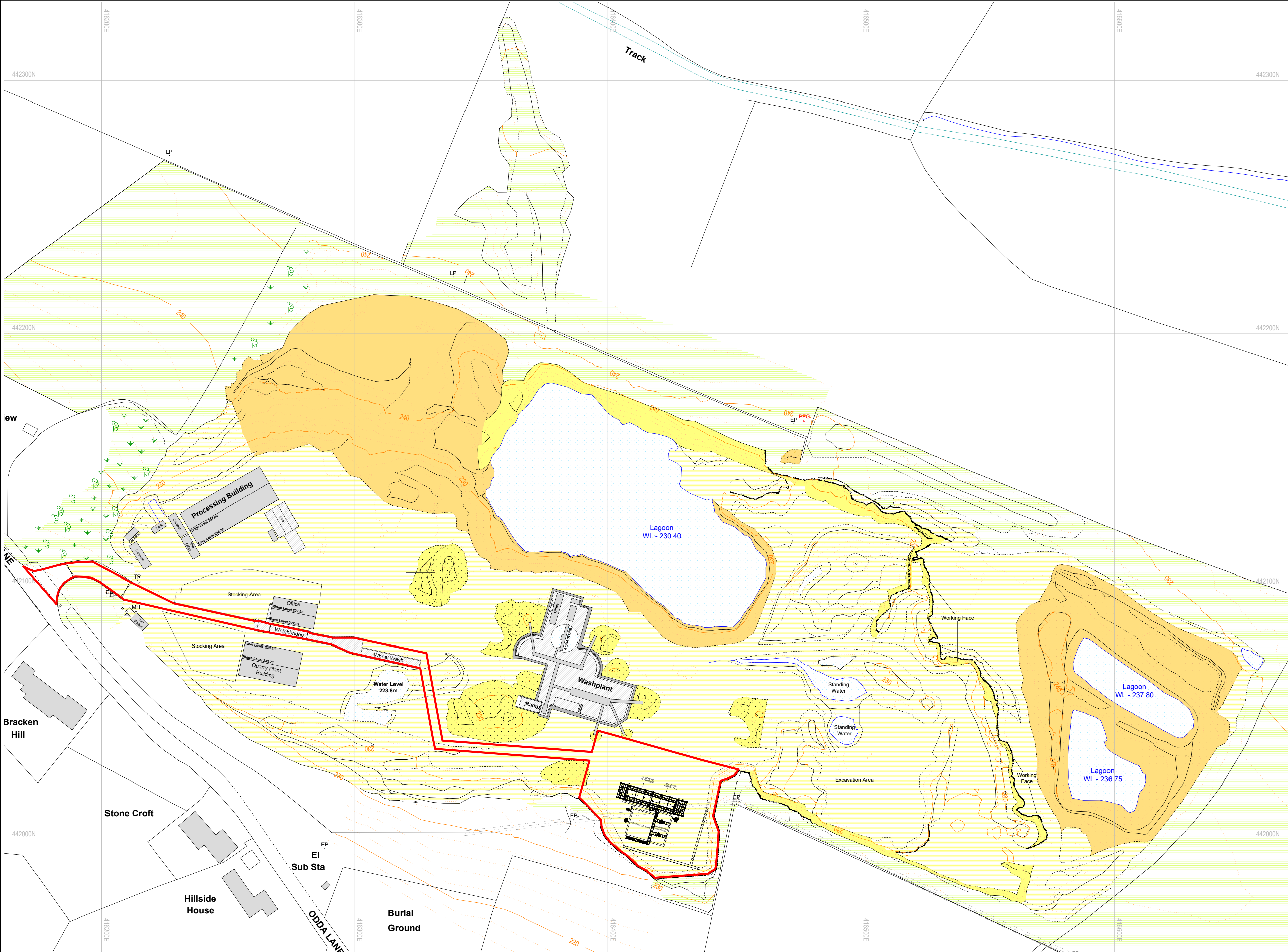
In the interests of residential amenity.



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SCALE : 1/2500 20





REVISIONS

Date	Description	By
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//	//	//
//	//	//

Legend:

Old Permission Area

Application Area

Top of Banking

Bottom of Banking

Kerb - Top

Kerb - Channel

Fence - Post & Wire

Fence - Secure

Gate

Track / Footpath

Wall

Edge of Waterline

Hedgeline

Overhead Cable

1m Contour Intervals

OS Backcloth

Building/Structure

Verge Line

Foliage Line

Top of Rock Face

MH

IC

BT

G

LP

TP

EP

ST

GV

WL

IL

CL

EL

RL

BH

Spot Level

Trees

Survey Station

Manhole

Inspection Cover

British Telecom Cover

Gully

Lamp Post

Telegraph Pole

Electric Pole

Stop Tap

Gas Valve

Water Level

Invert Level

Cover Level

Eave Level

Ridge Level

Borehole / Trial Pit

Spot Level

Trees

Survey Station

Datum: Levels relative to Ordnance Survey by connection to OS Active Network by GPS

N

Cromwell Wood Estate Company Ltd

LINEAR surveys

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23 Knowler Way

Liversedge

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WF15 6DG

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e-mail - linearsurveys@gmail.com

Client

Whitelocks Developments Ltd

Job Title

Odde Lane Quarry, Hawksworth

Project Title

Filter Press

Scale

Date

Drawn by

Surveyed By

Dwg. title

Planning Application Area

DWG No.

JOP/OLQ/FP22-05

21

