

PMJOK

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Planning, Transportation and Highways Development Services

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Ward: Craven (ward 09)

Application Number: 20/01844/PMJ

18 August 2020

Dear Sir/Madam

Pre-application Enquiry Response

ENQUIRY NUMBER: 20/01844/PMJ

PROPOSAL: Site to be worked as a dimension stone site, extracting block to be taken by road to the applicant's processing facilities. The Site would occupy a surface area of approximately 5.9ha, including a short access track to Fishbeck Lane.

LOCATION: Horn Crag Quarry Off Fishbeck Lane Silsden West Yorkshire

I refer our recent pre-application enquiry meeting on the 4 August 2020 and to details of your proposals received on 21 May 2020 for the following:

Development Description

Site to be worked as a dimension stone site, extracting block to be taken by road to the applicant's processing facilities. The Site would occupy a surface area of approximately 5.9ha, including a short access track to Fishbeck Lane.

Your proposal appears, in principle, to form the basis of an acceptable application although I would advise you that the following issues need to be addressed and incorporated into the formal planning application submission:

Principal

The site identified in your pre-application enquiry is within the Green Belt. As the site is within the Green Belt Strategic Policy 7 in the adopted Core Strategy is relevant (which defines the Green Belt) as is saved policy GB1 of the replacement Unitary Development Plan (RUDP) which considers the policy base for green belt protection.

The proposal for quarrying of the remaining reserve is not considered inappropriate development in the Green Belt, as it is considered that it is possible to preserve the openness and not conflict with the purposes of land included within it. However, reference should be made to preservation of the openness in any submission.

Paragraph 146 of the NPPF confirms that minerals extraction is not inappropriate in the Green Belt, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. Recent cases Samuel Smith Old Brewery Vs North Yorkshire County Council Court of Appeal Case (2018) have highlighted the need to consider the impacts of quarrying in the Green Belt.

Specific minerals policies in the NPPF and section 5 of the Core Strategy support the sustainable use of minerals. The NPPF acknowledges that minerals are essential to support sustainable economic growth and that it is important to ensure a sufficient supply of material to provide the infrastructure and buildings; stating great weight should be given to the benefits of minerals extraction, but ensuring that there are no unacceptable adverse impacts. The Bradford Local Plan Core Strategy policies again reflect and emphasise those set out in the NPPF.

Paragraph 205 of the NPPF states that great weight should be given to the benefits of the mineral extraction, including to the economy, but the expectation is that unacceptable adverse impacts are avoided and/or mitigated. Small scale extraction of building stone is also noted in the NPPF, with it stated planning authorities should recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Policy EN9(B) of the Bradford Local Plan Core Strategy states that proposals to open up a new minerals extraction site on previously developed land, re-open a disused minerals extraction site, or extend an existing minerals extraction sites, will be supported in principle provided that certain criteria are met. Policies EN9 and EN10 of the Bradford Local Plan Core Strategy should be noted in any submission.

As noted in the virtual meeting on the 4 August 2020, the site is not an allocated nor within an area of search in the RUDP, nor is the site shown as a minerals safeguarded area in the Bradford Local Plan Core Strategy which is based on the BGS resource maps. However, this does not preclude the site being brought forward, provided it is demonstrated that there is an economically viable mineral and that the mineral supports a need, particularly for scarce building roofing or paving stones such as stone slates, riven flags, or matching stones needed for repair of historic buildings.

Other evidence regarding the exclusion of the site from the BGS resource maps was also discussed. You consider that the site/area may have been excluded due to BGS screening methodology, which may exclude areas that have an overburden depth of more than 2m. Any evidence you have regarding this should also be supplied with any submission.

Detailed Advice

Without prejudice to the above advice on the principle of the proposal, I can confirm that your pre-application enquiry has been assessed by the planning officer and a range of technical officers (for which you received their detailed responses on the 16 July 2020, but I attach again for completeness) and I can provide the following further advice:

Public Rights of Way

As you are aware, Footpath 18 Silsden crosses the site. There is also Footpath 19 Silsden to the south.

The PROW officer has noted that as Footpath 18 Silsden crosses the site, the quarrying activity would be default impact on the footpath and obstruct the footpath, therefore the PROW officer has noted that they are currently unable to support the proposal.

Footpath 18 Silsden was discussed at the meeting on the 4 August 2020, you advised that the line of this footpath currently takes it up a vertical quarry face, it is not possible to walk the footpath line and it is not used by the public. You considered that by diverting the footpath, it could be made usable again. It was advised that these issues for Footpath 18 Silsden should be noted in any submission, nevertheless it was advised that a legal diversion of Footpath 18 Silsden would be required, in order for the PROW officer to support the proposal. As indicated in the meeting, advice should be sought directly with the PROW officer Fiona Plane (Fiona.plane@bradfrod.gov.uk) regarding a diversion and if it should be a temporary or permanent diversion.

Footpath 19 Silsden to the south was also discussed, you did not feel this footpath would be significantly affected by the quarrying proposals. However, the PROW officer suggests there could be conflict between vehicles accessing the site and pedestrians using Footpath 19, because there is unlikely to be room for pedestrians to pass vehicles using the track without stepping off the track onto the adjacent land. Any potential impacts should be noted and mitigation proposed. Again advice regarding the impacts on this PROW should be discussed directly with the PROW officer.

Policy AD1 E (3) in Bradford Local Plan Core Strategy supports the improvement of public rights of way and assessment against this policy should also be made.

Highways

Both the Highways DC officer and Highways Transport Planner have commented on various highway matters.

As expected a Transport Statement is required with any submission, this should include the maximum daily traffic generation and a routing plan. Along with any impacts on pedestrians, cyclist, agricultural and leisure traffic. As discussed in the meeting on the 4 August, the intention is to supply a clear routing plan which shows how HGV's will travel to the site on the surrounding road network.

The Highways DC officer has noted that the site would be accessed from Fishbeck Lane which is an unadopted rural road and is substandard in width and geometry particularly between the proposed access track and the A6034 Bolton Road. The supporting statement indicates that the site would be accessed from Bolton Road to the south via Brown Bank Lane. The TS should explain how the use of the more direct route to Bolton Road along Fishbeck Lane would be prevented and also HGV's using the eastern section of Brown Bank Lane to travel north.

With it further noted by the Highways DC officer that Fishbeck Lane will need to be assessed between the access track and Brown Bank Lane for its suitability for two-way HGV movements and passing places provided where necessary. Visibility at the access track junction and at Brown Bank Lane should also be assessed. Visibility at junction of Brown Bank Lane and Bolton Road should also be assessed.

The Highways Transport Planner has noted similar matters to the Highway DC officer, but has additionally noted the nearby static caravan park and the gradients of Brown Bank Lane from Silsden Road and difficulties accessing in inclement weather.

As discussed in the meeting on the 4 August, the number of HGVs that would visit the site per day, coupled with a Transport Statement, routing plan and information requested by the Highways DC officer/Transport Planner should be sufficient enough evidence to demonstrate any highways impacts. The relevant mitigation if so required upon assessment should also be provided (e.g. passing points).

Various policies within the Bradford Local Plan Core Strategy should be noted regarding transport, as set out in section 5.2 Transport and Movement and in section 5.7 on Design, referencing policies DS5 and DS5 on highway design and safety

Biodiversity

The Biodiversity officer has noted that the site has very high quality biodiversity habitats and forms part of the Bradford wide Ecological habitat network. Advice has now been provided in an e-mail of the 5 August 2020 of what a Bradford Ecological habitat network constitutes and where to find the information, in this case with West Yorkshire Ecology.

Due consideration should be given to the high quality habitat, with it also noted that the site is within 2.5km of the South Pennine Moors SPA. Policy SC8 of the Bradford Local Plan Core Strategy is split into three zones, A, B and C. This site falls into Zone B and therefore there is a requirement to assess whether the land may be functionally connected to the SPA in that it provides a foraging habitat for qualifying species. In this case, certain bird species -there are records of curlew from the site and potentially other birds such as golden plover may forage here.

The biodiversity officer has commented that if assessments conclude that the development can be accepted, net gain for biodiversity *must* be delivered over a reasonable timescale and action plans to retain the maximum habitats and protect wildlife in the interim.

The biodiversity officer has note the PEA, but has advised that full ecological impact assessment is probable, which is likely to include bird surveys and other protected species surveys undertaken strictly to accepted standards. Additionally, they comment that a very good habitat baseline will need to be established with surveys undertaken at the correct time of year. The Defra Beta 2 metric should be applied to the development (with a high connectivity variant used) and enhancements should be retained in the development area without offsets.

Policies that should be noted in the Bradford Local Plan Core Strategy are EN2 and SC8, along with all protected sites and species legislation. As noted by the biodiversity officer, mitigation, enhancements and integrated biodiversity features will need to be clearly set out within Development submissions such as Landscape and Ecology Management Plans and maps.

The impacts on biodiversity will also need assessing against policies minerals policies EN9 and EN10 of the Bradford Local Plan Core Strategy

Landscape and trees

The landscape officer notes that Horn Cragg is a prominent landscape feature and the area is used for recreational purposes.

It is noted that is lies within the Rombalds Ridge Landscape Character Area as defined within the Bradford SPD. It is designated as within an area of Upland Pasture.

The landscape officer is clear in that any new proposal must demonstrate any impact on the Landscape Character of the area and the impact on the recreational enjoyment both in the immediate local environment and in terms of the broader landscape. With it stated that any proposal must submit a full evaluation of the current situation, including a visual impact assessment and photo montages of the appearance of the site from all key viewpoints during the proposed extraction period.

There is a concern by the landscape officer that the landscape character is established in this area and is very distinctive, therefore any disturbances would need to be fully justified and adverse impacts on the landscape character and recreational benefits fully considered and mitigated.

The tree officer notes a number of mature trees and emerging woodland to the west of the site. This was discussed in the meeting of the 4 August and you did not consider that there were any trees of consequence within the former quarry/redline. If this is the case, you will need to provide evidence and also be clear that any trees outside the redline are not impacted upon. If there is any impact on trees, an arboricultural impact assessment to BS5837:2012 and potentially a tree protection plan may be required.

The relevant policies in the Bradford Local Plan Core Strategy should be noted, in particular EN4 related to impacts on the landscape and DS2 working with the landscape; EN5 Trees and Woodland; and minerals policies EN9 and EN10 in terms of impacts on the landscape.

Environmental Health

The Environmental Health comments have been recently forwarded on the 17 August 2020 however, it was discussed at the meeting of the 4 August 2020, the likely issues that may arise from EH. It appears the discussions are borne out, with land quality, private water supply, air quality and nuisance noted in EH officer response.

The land quality comment is a general comment advising consideration of any previous tipping/activities on the site. A short narrative around this point is advised, but if anything becomes evident a phase 1 Geo-environmental Assessment maybe required.

In terms of the public water supply, EH acknowledge that you have identified the presence of private water supplies on Fishbeck Lane and Fishbeck Farm. As expected, EH have requested an assessment of the potential impact of mineral extraction operations on the quality and sufficiency of private water supplies in the area, suggesting that Neil Winchcombe neil.winchcombe@bradford.gov.uk is contacted if required. In the meeting of the 4 August you suggested that you had already discussed private water supply with residents and that you are likely to provide a new borehole for residents. The information and options for private water supply should be detailed in any submission.

The air quality comments are fairly standard comments that are now given on such proposals and due consideration should be given after a full traffic assessment of the traffic generation and as to whether or not any detailed dispersion modelling is required. However, the traffic generation appears low and it is suggested by EH that there would be limited air quality impacts from the quarry activities as the processing will be carried out at another site.

In terms of nuisance, the minerals extraction phase is as expected, noise, dust and vibration - any such environmental impacts should be reviewed and considered in the submission. The impacts on the existing residential properties should be noted and the necessary survey's requested by EH submitted. The hours of operation requested by EH are later than envisaged in your documents i.e. EH seek an 8am start rather than 7:30. Any proposed start time earlier than that suggested by EH should be evidenced and with it demonstrated that the hours would not adversely impact on residential amenity.

The impact on all EH issues will need assessing against policy EN8 - Environmental Protection Policy – in the Core Strategy and the relevant parts of minerals policies EN9 and EN10.

Other matters

Yorkshire Electricity – external consultees are not part of the pre-application service, however, it is worth noting that they did have some issues in the 1980s with a 11kv line in the area. The proximity (or not) of any electricity lines should be checked and considered as part of any submission.

Heritage – noted that no known heritage implications for designated assets arising from proposed workings at Horn Crag. There may be benefits in supply of stone compatible with heritage buildings.

Drainage - The LLFA do not have any objections in principle with the proposed development. Noted that there's an access track to the quarry off Fishbeck Lane, and details of any drainage this has, as it looks like it falls towards the lane. Ideally this information should be provided as part of the Flood Risk Assessment which the developer has said they will provide with any subsequent planning application

Public Health – Noted matters similar to Environmental Health. Seek to understand end use. Also note that local community engagement is a must

WY Police – Noted that crime wise figures are relatively low in this rural area. They have also noted points that have already been covered by highways and Environmental Health.

Community Infrastructure Levy Officer

Bradford Council gained Full Council approval to adopt a Community Infrastructure Levy (CIL) on 21st March 2017. CIL was implemented on the 1st July 2017.

The Horn Crag Quarry proposal is not a CIL liable use. Therefore, should the proposal progress to a formal planning application, the applicant will not be required to submit CIL forms.

Planning Obligations

A legal agreement under S106 of the Act may be required if there are any off-site infrastructure provision requirements and/or financial contribution.

If a S106 agreement is required, the following documents should be submitted alongside the planning application:

- Title evidence
- Details of your legal representative
- A completed undertaking that you will meet the Councils reasonable costs incurred in connection with the Agreement. These costs will be payable whether or not the Agreement proceeds to completion

Public Engagement

The Council's Statement of Community Involvement (SCI) sets out the standards for involving the community during the preparation of the Local Plan and in the consideration of planning applications. The SCI can be viewed at: <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/statement-of-community-involvement/>

Bradford proactively supports the principles of the National Planning Policy Framework regarding the 'front-loading' of community consultation. The SCI encourages developers to undertake pre-application consultation appropriate to the scale and nature of the development. In accordance with the SCI it is recommended that you consult the occupants of premises within the vicinity of the site together with local Ward Councillors and the Parish Council. A community consultation event is also recommended.

A Statement of Community Involvement Statement should be submitted with your application. This statement should set out how you have complied with the requirements for pre-application consultation set out in the adopted SCI and demonstrate how the views of the local community have been sought and taken into account in the formulation of the development proposal.

Planning for Inclusion

The Council will need to assess all planning applications submitted to ensure that they are inclusive. There are existing Development Plan policies that apply in relation to this material consideration and all schemes will need to comply with nationally adopted planning policy and other legal provisions including the Equality Act 2010.

When most major planning applications are submitted representations will be sought from the Council's Planning and Highways Access Forum, a consultative group set up to comment on proposed development schemes. Applicants are encouraged to consult with the Forum as part of their Community Involvement Exercise prior to submitting a planning application as this will help to ensure that inclusion is considered early on in the development process and thus avoid expensive amendments at a later stage.

Required Documentation to Support a Planning Application

Details of the national and local validation requirements for major planning applications can be found at www.bradford.gov.uk/planningforms. However, as part of the pre-application process, specific consideration has been given to the documentation which is likely to be required to support a planning application for the type of development described in your pre-application enquiry, it is not an exhaustive list but an indication of documents:

- Planning Statement – to include a full description of mineral extraction, need and the proposed afteruse – linked to the relevant policies
- Engineered drawings to show existing and proposed levels – along with site sections.
- Any cut/fill operation or infilling operation. Volumes of fill over and above those already permitted and timelines, HGV movements etc. associated with this.
- Noise and dust assessments
- Landscaping Assessment (including photomontages)
- A preliminary ecological appraisal (PEA) and documentation to demonstrate net biodiversity. It is likely a more detailed ecological survey will be required
- If trees on site or impacted upon, an arboricultural impact assessment to BS5837:2012
- Public Rights of Way Assessment and proposals
- Private Water supply hydrological assessment and proposed mitigation and/or alternate water supplies
- Transport Statement - including drawings & ref re: visibility splays, passing points and routing.
- Flood Risk Assessment
- Statement of Community Involvement
- If S106 required - Heads of Terms/ Fees Undertaking

This letter represents the Council's initial view of the proposals at this stage, based on the information available. It should not be interpreted as formal confirmation of the acceptability or otherwise of the proposal at this time and cannot be held to prejudice the formal determination of any planning application.

If you have any queries in relation to the above matters do not hesitate to contact Carole Howarth.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Julian Jackson', written in a light grey or blue ink.

Julian Jackson
Assistant Director (Planning, Transportation and Highways)
Department of Regeneration