



Reopening Horn Crag Quarry - Appeal
Appellant's Statement of Case
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Minerals
Waste
Environment

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1.0 The Site

- 1.1 The Site is located approximately 1.9km to the northeast of the centre of Silsden and approximately 3km to the southwest of the centre of Addingham, as shown in drawing ref: *232/5 - 1 - Location*.
- 1.2 The Site occupies an area of approximately 5.9ha, which includes a short access track to Fishbeck Lane, though the proposed area to be extracted would be some 3.92ha. The Site is currently characterised as a historic quarry comprising the former quarry area, rough pasture, areas of naturally regenerated heathland, and some wooded areas on the western boundary.
- 1.3 The bedrock beneath The Site is the Middleton Grit Unit of the Silsden Formation (Millstone Grit Group). The Middleton Grit Unit is described by the British Geological Survey (BGS) as a “coarse-grained sandstone (grit)” and in some areas has a thickness of “circa 70m”. The Middleton Grit Unit was deposited in the Carboniferous period, between 324 and 328 million years ago.
- 1.4 The Site is surrounded on all sides by agricultural fields, with a small equestrian field abutting its western boundary.

2.0 Planning History

- 2.1 The planning history is set out in the Statement of Common Ground.
- 2.2 The current planning application differs greatly from historic mineral planning applications at The Site. Previous planning applications were for the extraction of crushed rock / aggregate, primarily for the construction of the Airedale Route Highway. An aggregate quarry would have involved constant crushing, screening and processing of material taking place at The Site, as well as a resultant high number of HGVs.
- 2.3 This scheme is for a dimension stone quarry and would involve only a very limited amount of screening of historic mineral waste initially to make The Site operational. All processing of dimension stone would take place off-site at the applicant’s processing

yard. Additionally, a routing agreement is proposed such that HGVs would not pass through the centre of Silsden which is understood to have occurred when The Site was run in the mid-late 1980s.

2.4 A planning application was submitted in 2022 for an almost identical scheme to this one but was withdrawn when the Council advised that they required winter ecology surveys in order to determine the application and would not consider postponing determination until such time that they could be completed [These surveys were completed and submitted with the current planning application].

2.5 This scheme received favourable pre-application advice from the determining officer in 2021 which indicated the Council supported the proposal in principle.

3.0 Decision Notice and Reasons for Refusal

3.1 Planning Application reference 23/00829/MCF for *the Re-opening of Horn Crag Quarry for the purposes of releasing a proven locally distinctive building stone resource* was refused using officer delegated powers on the 24th May 2023.

3.2 The reasons for refusal are:

- [HYDROGEOLOGY] - *The proposal as submitted is unacceptable, as there are risks to groundwater and private water supplies (potable drinking water) from the development and there is inadequate information to demonstrate that the risks posed to the groundwater and private water supplies can be satisfactorily managed and/or mitigated. As such the proposal is contrary to Policies EN8 and EN9 of the Bradford Core Strategy and paragraph 174 of the National Planning Policy Framework.*
- [LANDSCAPE] - *The proposal as submitted is unacceptable, as it will not make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the designated landscape character area of the Rombalds Ridge Landscape Character Area. The change is not considered*

acceptable, as it will have adverse landscape and visual effects, particularly in relation to; the loss of an area of distinct character and a local landmark within the broader character area; the significant impact on recreational use due to the visual impact of the quarry works; the length of disruption and disturbance locally and on the broader enjoyment of the surrounding Landscape over a minimum of 20 years with potentially an additional 15 years to achieve some maturity in the restored scheme; the adverse visual impacts on amenity for residential properties; the adverse impacts on tourism; and the adverse impacts on recreation. As such, the proposal is contrary to policies EN4, DS2, DS5, EN1 EC4 (F) and EN9 (3) of the Bradford Core Strategy, the Landscape Character Assessment SPD for Rombalds Ridge and SWES5 and SWES6 of The Steeton with Eastburn and Silsden Neighbourhood Development Plan.

- *[BIODIVERSITY] - The proposal as submitted is unacceptable, as it will not contribute positively towards the overall enhancement of the District's biodiversity resource within an acceptable timeframe. The priority habitat on the proposal site, coupled with the restrictive site boundary compared to the extraction area means the approach is not effective at returning to an overall Net Gain for biodiversity until around Year 30. The role of the proposal site in the Wildlife Habitat Network is of significance and the proposal will result in a weakening of the mapped network, removing priority and Biodiversity Action Plan habitats from the network for the life of the operational quarry. The proposal is therefore contrary to Policies EN2 and EN9 of the Bradford Core Strategy, paragraph 174 of the National Planning Policy Framework and the Environment Act 2021. Furthermore, the proposal does not meet and is contrary to the locational criteria for a quarry set out in Policy EN10 E (3), in that it would be likely to lead to the significant deterioration of an irreplaceable habitats, or to the permanent disruption of a significant ecological network.*
- *The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information with regards to potential adverse impacts on Protected Species and no indication of appropriate mitigation that would satisfy the*

requirements of a licence to disturb and be effective for the lifetime of the quarry. As such the proposal is contrary to Policies EN2 and EN9 of the Bradford Core Strategy.

3.3 The application's case officer made several consecutive requests for clarifications but determined the application prior to the receipt of the additional information.

3.4 All of the preceding requests for clarification / additional information were responded to in full but a decision was made whilst a response was in the process of being prepared to the final round of questions.

4.0 Hydrogeology

4.1 The planning application was supported by an independent hydrogeological risk assessment completed by *Hafren Water Ltd* (Hafren) who are specialist advisors to industry, government and the private sector on environmental water management. Their report, which was bespoke to the scheme, included geological cross-sections, borehole logs, groundwater monitoring and hydrogeological contour mapping.

4.2 The Appellant's hydrogeological risk assessment concluded:

"All mineral extraction will be undertaken above the water table. Consequently, impacts to the existing groundwater flow regime or groundwater levels are not predicted. An existing borehole will be used to provide information on seasonal water level variation to provide better control on the base of the quarry extension."...

&

"It is concluded that the proposed works will not impact adversely upon the wider water environment and the continued viability of the spring collector water supply located to the west of the site."

4.3 The two potential receptors identified were groundwater itself and a nearby (unlicensed) spring and chamber which nearby properties claim is their sole source of

drinking water. The assessment concluded that neither would be adversely affected as extraction would take place above the water table and not interact with either's regime.

- 4.4 The Environment Agency (initially) had no objection to the scheme and recommended, ordinary, planning conditions be attached to the proposal. However, the application's case officer contacted the Environment Agency about this stance and a subsequent consultee comment was issued by the Environment Agency with an objection citing a requirement for further information.
- 4.5 The Appellant will show that that sufficient evidence had been submitted to demonstrate that quarrying operations would not interact with groundwater and that any risks could be readily mitigated through stand-offs and ongoing monitoring, as is ordinary for mineral sites.
- 4.6 However, as the Environment Agency cited a need for additional information in their revised response, Hafren have undertaken additional assessments to demonstrate, beyond any reasonable doubt, that there would be no unacceptable impact on groundwater or private water supplies as a result of mineral extraction or restoration operations.
- 4.7 The Appellant intends to actively engage with the Environment Agency with a view to its request for further information before the appeal is heard.
- 4.8 We consider, due to the highly technical nature of groundwater issues, that cross-examination of the Appellant's hydrogeological witness (Hafren) and the Council's objecting EHO is necessary in order to demonstrate the facts should common ground not be reached prior to the Appeal being held.
- 4.9 To summarise the Appellant's case on hydrogeological matters, it is that their specialist hydrogeological risk assessment demonstrated beyond any reasonable doubt that groundwater and private water supplies would be suitably protected through physical stand-offs but, in any event, additional evidence has since proven that even in a 'worst-case-scenario' (highest winter water table) this position remains correct and that

planning conditions, ordinary to the sector, could provide an additional degree of security and certainty. Accordingly, the Appellant will show that the appeal proposal is not contrary to Policies EN8 or EN9 of the Bradford Core Strategy or paragraph 174 of the National Planning Policy Framework.

4.10 The Appellant's expert will cite relevant policies and literature where appropriate in their proof of evidence.

5.0 Landscape

5.1 The Appellant provided a specialist Landscape and Visual Assessment with the planning application, completed by *Collington Winter Environmental Ltd*(CWE) which concluded that:

"Following a review of baseline information, together with consideration of the potential landscape and visual effects arising from the proposal to work the application site at as a dimension stone quarry, with the extracted block to be taken by road to the applicant's processing facilities and a consideration of the proposed extraction, subsequent rolling restoration time-scales and positive net gain, it is considered that the application site and wider landscape is able to successfully accommodate the proposals, in landscape and visual terms, without having an unacceptable effect on landscape character or visual amenity."

5.2 The case officer also accepts in their delegated report that the scheme does not impinge upon the 'openness' of the green belt which in itself contains a visual component.

5.1 The landscape is not a designated landscape and has maintained quarries within it for centuries, many of which have gone on to form part of its character. The site falls within a distinctive Landscape Character Area: Rombalds Ridge, but this in itself does not warrant any elevated status in terms of landscape value. In other words, the landscape is not a 'valued' landscape in the context of the NPPF. The character of this landscape and the site is not of such value that it has warranted a national or local landscape designation.

- 5.2 The site forms part of the surrounding upland landscape framed by Addingham High Moor to the southeast. It is visible, in certain views, but cannot be described as a local landmark or prominent feature; the smooth topographical profile of the site is similar and comparable to the majority of the surroundings landform. The face of the quarry is cloaked in tree vegetation which reduces its visibility.
- 5.3 Views of the site, in the context of the Rombalds Ridge are limited, sequential and the introduced change would not harm the overall appreciation of the upland landscape. The restoration scheme would result in the increase in height, but the overlay profile of the residual landform would echo the existing underlying topography.
- 5.4 Views from the settlements are enclosed and extremely limited when taken in the round. Views from Public Rights of Way are often elevated and panoramic, with views in other directions available. Receptors are attracted to the valley landscape and the higher ground, which forms the backdrop to the views, with Addingham High Moor to the southeast forming a strong feature. The site forms part of this large scale landscape and composite views.
- 5.5 Most importantly, the vegetated western most part of the site, that visible in views from the west, would remain as existing. The retained trees would further develop as landscape features, contributing to and helping to conserve the character of the local landscape, whilst limiting the level of harm upon the rest of the host Rombalds Ridge Landscape Character Area and adjacent Airedale Landscape Character Area. None of the key features associated with the host Rombalds Ridge Landscape Character Area would be redefined or directly affected by the appeal scheme, and the underlying character of the local landscape would prevail.
- 5.6 The temporary and reversible nature of the appeal scheme is also a strong consideration in landscape character and visual terms. The residual effects and the level of harm would be acceptable, and the profile and character of the site post-restoration would be compatible with the baseline landscape, helping to conserve and maintain its underlying character in the long term. The proposed mitigation measures, including the retained 'ragged' retained quarry face, would also help maintain and positively contribute to the character of the local landscape, replicating the current quarry face.

- 5.7 To summarise the Appellants case on landscape matters, it is that the landscape can readily accommodate the temporary extraction of building stone, and that the Council have applied too great a weight to a non-designated landscape. The temporary extraction of building stone is further mitigated by a carefully designed working direction and scheme of rolling restoration. The proposed development will not have unacceptable adverse impacts on visual amenity of residential properties, tourism or recreation. The Appellant will demonstrate that the proposal is not contrary to policies EN4, DS2, DS5, EN1 EC4 (F) or EN9 (3) of the Bradford Core Strategy, the Landscape Character Assessment SPD for Rombalds Ridge or SWES5 and SWES6 of The Steeton with Eastburn and Silsden Neighbourhood Development Plan.
- 5.8 The Appellant's expert will cite relevant policies and literature where appropriate in their proof of evidence.
- 6.0 Biodiversity**
- 6.1 Whilst no specific target or methodology for biodiversity gain is specified within the adopted local plan, the Appellant has demonstrated a net gain in biodiversity upon completion of restoration and aftercare using the relevant DEFRA metric that exceeds the 10% target due to be applied to new applications from January 2024.
- 6.2 The site's working scheme retains and protects the areas of highest biodiversity value and reinstates others at the earliest opportunity. The types of habitat proposed in the restoration scheme are comparable to other schemes approved by the Council in similar upland environments and are just as deliverable.
- 6.3 Minerals schemes are temporary and the NPPF directs MPAs to recognise *"...the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites."*

- 6.4 The requirement to deliver biodiversity net gains in the BMDC LP does not contain a time restriction component, such an approach has been introduced by the Council and does not have a basis in the Development Plan. Moreover, the principle of delivering Net Gains is not time restricted.
- 6.5 The Appellant's experts will show that there is no loss of 'irreplaceable habitats' and that there is no permanent damage to an important wildlife network.
- 6.6 To summarise the Appellant's case on biodiversity matters, it is that a significant net gain in biodiversity is achieved through restoration of the site and no irreplaceable habitats and local networks are lost or weakened to any material degree. The proposal is therefore not contrary to Policies EN2 or EN9 of the Bradford Core Strategy, paragraph 174 of the National Planning Policy Framework or the Environment Act 2021. The Appellant will also show that the proposal does not meet and is not contrary to the locational criteria for a quarry set out in Policy EN10 E (3), in that it would not be likely to lead to the significant deterioration of an irreplaceable habitat, or to the permanent disruption of a significant ecological network.
- 6.7 Furthermore, with regards to protected species, the Appellant submitted extensive information, including clear mitigation measures, to the Council during determination which are appropriate for securing a suitable licence from the Competent Authority prior to extraction commencing. The Appellant will argue that there was no deficit in the information provided on this matter.

7.0 Planning Balance

- 7.1 The determining officer appears to deviate from the development plan and concludes that there is no need for this site as there are enough existing building stone sites within the district. The Appellant will demonstrate that this is not the case and that the Council's development plan including topic specific studies support the provision of new building stone sites during the plan period.

7.2 Furthermore, and irrespective of the Appellant's position that the reasons for refusal are incorrect, there is little to no evidence of the determining officer to applying the great weight they are directed to do so by the NPPF to the benefits of mineral extraction.

7.3 The Appellant will also demonstrate that the scheme complies with the location tests of policy EN10, whereby the development plan directs that the Council should support schemes of this nature.

7.4 It is not considered further comment is required on 3rd party representations.

8.0 Reference Documentation

8.1 It is anticipated that the documents to be referenced will principally be comprised of:

National

- NPPF (as amended)
- NPPG (as amended)
- The Environment Act 2021
- The DEFRA Metric (as amended)

Local

- Bradford Metropolitan District Council (BMDC) Core Strategy Development Plan Document (DPD) 2017
- BMDC Site Allocations DPD – 2018
- Minerals Background Paper and Evidence Report - 2015
- BMDC Emerging Local Plan (consultation draft February 2021)

Case Law and Appeal Decisions

- Case law and appeal decisions, particularly examples that explore and determine the importance of policy and legislation ‘weight’, will be referenced where appropriate.

8.2 The Appellant, through their experts, will also reference significant elements of the supporting statement, pre-application advice, the planning officer’s delegated report and submissions of additional information made pursuant to planning application 23/00829/MCF.

9.0 Appeal Procedure & Evidence

9.1 The Appellant considers that a Public Inquiry is the most appropriate appeal procedure due to the technical nature of the evidence to be heard and the extent of public comments made during consultation. The Council state that, in excess of, 1,000 representations were made on the scheme, not including those made across newspapers and online.

9.2 As is shown by the Draft Statement of Common Ground, there are several areas of fundamental disagreement between the parties on complex technical matters and it is highly unlikely that they can all be overcome before the appeal is heard.

9.3 The issues outstanding can only be properly tested through the formal questioning of expert witnesses, which cannot be achieved through the informal hearing procedure.

9.4 Suitable proofs of evidence would be prepared by the Appellant’s witnesses regarding the reasons for refusal and any other valid issues raised by 3rd parties and consultees.

9.5 Not accounting for 3rd party representations, the Appellant considers that some 5-6 days would be required to hear evidence from both their witnesses and the Council’s.

10.0 Conclusion

- 10.1 The main areas of difference between the Appellant and Council pertain to:
- Hydrogeology
 - Landscape Impact
 - Biodiversity and Protected Species
- 10.2 The Appellant considers that the issue of Planning Balance and Policy Weighting must also be interrogated and applied appropriately to the scheme.
- 10.3 The Appellant reasonably concludes that due to the extent of public engagement in the determination process (>1,000 representations) and the highly technical nature of the issues at hand, a public inquiry including cross-examination of witness is the only appropriate method of hearing the appeal.
- 10.4 It is hoped that disagreement on matters relating to hydrogeology can be narrowed or removed entirely before the appeal is heard due to the qualitative nature of the information requested by the Environment Agency.
- 10.5 The Appellant expects that it is agreed that the proposal does not constitute inappropriate development in the green-belt and that the following aspects are also agreed upon:
- Air Quality
 - Highways / Transport
 - Noise Impact
 - Archaeology / Heritage
 - Surface Water Management
 - Rights of Way (specifically the principle of a diversion)