

APPELLANT DRAFT STATEMENT OF COMMON GROUND

APPEAL REFERENCE: - APP/W4705/W/23/3332884

DATE OF HEARING/INQUIRY:- 20-22nd February, 27th-29th February, 6-7th March 2024

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Horn Crag Quarry, Fishbeck Lane, Silsden

Re-opening of Horn Crag Quarry for the purposes of releasing a proven locally distinctive building stone resource

APPELLANT Mr. Andrew Calvert

LOCAL PLANNING AUTHORITY Bradford Metropolitan District Council

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA (and /or of supplementary planning guidance published under previous provisions and still in place.)
6. List of possible conditions and the reasons for them (including any that are not agreed, with reasons why)
7. Draft terms of any S 106 obligations

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, at grid reference SE 05303 47994, and as shown in drawing ref: 232/5 - 1. The total site area would be approximately 5.9ha, which includes a short access track. The proposed extraction area would be approximately 3.92ha.
2. Approximately 3Ha of the Site has been subject to mineral extraction and associated operations. This includes elements of working that were subject to enforcement action. The remaining areas are rough pasture, areas of heathland, and some other areas, the nature of which is subject to dispute and is referred to under the heading disagreement below.
3. The previous quarry operations fit within the definition of being small scale, primarily 100+yrs ago (with some disturbance some 40 years ago in the 1980s).
4. The topography as shown in the appellants drawings shows the Site ranges from 232m AOD in the west of The Site, to 256m AOD in the northeast of The Site. The base of the historic quarry face is 241m AOD and the top of the face is 248m AOD as shown in the appellants drawings.
5. Existing levels are shown on the appellants drawings *E454-001* and *E454-002*.

The Surrounding Area

6. The Site is abutted by agricultural fields on all sides.
7. The nearest residential properties are off Fishbeck Lane, the closest (at approx. 145m) to the south west, having a stable/equestrian business. To the north and approx. 220m from the redline boundary is a permanent residential caravan park, Cringles Caravan and to the south east and approx. 425m from the site is Brown Bank Caravan Park which is a mixture of holiday/semi-permanent residential.
8. Site History:

- 83/06858/FUL - The Extraction of Stone at Horn Crag Quarry Silsden (Refused 13/3/1984)
 - 84/02257/FUL – Extraction of Middleton Grit blockstone for sawing off site (Refused 24/09/1984)
 - 86/02290/FUL – Short term quarry operation and reclamation of site. Horn Crag Fish Beck Lane (Refused: 14/05/1986)
 - 86/06567/FUL – Short term quarry operation with consequential reclamation. Fish Beck Lane Silsden Keighley (Refused: 05/03/1987)
 - 87/01914/FUL – Working and preparation of saw block stone (established use certificate). Fish Beck Lane Cringles Keighley (Refused 02/09/1987)
 - 88/01418/FUL – Extraction of mineral and consequent use of land for erection of agricultural building. Fishbeck Lane Silsden Keighley. (Refused: 28/06/1988)
9. All of the six applications were refused, four related to the extraction of blockstone and two for sandstone extraction for aggregate production (one 1987 is unknown). All the applications were refused for the for the same reasons:
- High probability of adverse impacts on potable water
 - High Landscape Value – with the quarrying not compatible and severely damaging amenities of the area
 - Inevitable adverse effects on protected wildlife habitats within the site
10. The existing application is materially different from the two historic applications for the extraction of sandstone for aggregate production in that it proposes to extract dimension stone rather than aggregates.
11. The existing application differs from the four applications for the extraction of blockstone in that additional supporting information has been provided both during the determination of the application and during the appeal process which seeks to overcome concerns previously raised by the Local Authority.
12. Pre-application advice was sent to the appellant which concluded that the proposal appears acceptable in principle, subject to issues being addressed within any future planning application submission which include, but were not limited to:

- Impacts on Biodiversity;
- Impacts on Landscape; and,
- Impacts on private water supply.

13. This scheme received an EIA Screening Direction from the Council concluding that the proposal was 'Unlikely to have Significant effects on the Environment'.

14. The adopted and emerging policy for this proposal is a combination of the following plans and documents:

- The National Planning Policy Framework (NPPF) 2023 (2021 version at time of submission)
 - Replacement Unitary Development Plan for the Bradford District Adopted October 2005
 - Bradford Metropolitan District Council (BMDC) Core Strategy Development Plan Document (DPD) 2017
 - Steeton, Eastburn and Silsden Neighbourhood Development Plan - June 2021
 - BMDC Emerging Local Plan (consultation draft) February 2021
- Relevant SPDs:
- CBMDC LANDSCAPE CHARACTER SPD 1.10.2008. VOLUME 4 – ROMBALDS RIDGE.
 - The South Pennine Moors SPA / SAC Planning Framework SPD (2022)

15. The following policies are relevant to the application and have been listed for the NPPF and each Development Plan Document.

NPPF

Specific chapters of the NPPF which are most relevant to the proposal are

- Chp 6: Building a strong, competitive economy
- Chp 9: Promoting sustainable transport
- Chp 13: Protecting Green Belt Land
- Chp 14: Meeting the challenge of climate change, flooding and coastal change
- Chp 15: Conserving and enhancing the natural environment
- Chp 17: Facilitating the sustainable use of minerals

- Paragraphs 7 – 14 , 47 -50, 55-58, 137, 138, 143, 145, 147, 148, 149, 150, 174, 175, 179 -188, 209 – 211.

Replacement Unitary Development Plan for the Bradford District Adopted October 2005

- GB1 – Green Belt
- NR1 – Existing Mineral Extraction Sites (adopted map)

BMDC Core Strategy DPD

P1 - Presumption in Favour of Sustainable Development

SC2: Climate Change and Resource Use

SC7: Development in Green Belt

SC8: Protecting the South Pennine Moors and their Zone of Influence

EC1: Creating a successful and competitive Bradford District economy within the

Leeds City Region

EC2: Supporting Business and Job Creation

EC3: Employment Land Requirement

EC4: Sustainable Economic Growth

TR1: Travel Reduction and Modal Shift

TR3: Public Transport, Cycling and Walking

EN1: Protection and improvements in provision of Open Space and Recreation

Facilities

EN2: Biodiversity and Geodiversity

EN3: Historic Environment

EN5: Trees and Woodland

EN4: Landscape

EN7: Flood Risk

EN8: Environmental Protection

EN9: New and Extended Minerals Extraction Sites

EN10: Sandstone Supply

EN12: Minerals Safeguarding

DS2: Working with the Landscape

DS4: Streets and Movement

DS5: Safe and Inclusive Places

Steeton, Eastburn and Silsden Neighbourhood Development Plan - June 2021

POLICY SWES5 – AIREDALE’S VALUED LANDSCAPE

POLICY SWES6 – ACCESS TO THE COUNTRYSIDE, COUNTRYSIDE SPORT AND COUNTRYSIDE RECREATION.

POLICY SWES7 – INFRASTRUCTURE FOR NEW DEVELOPMENT

BMDC

Emerging

Local Plan

- Strategic Policy 9
- Strategic Policy 11
- Strategic Policy 12

16. The BMDC Emerging Local Plan is not afforded significant weight as no progress appears to have been made since early 2021 and the website simply says a new draft will be released 'later this year'. However, it should be noted that the relevant policies within the Reg 18 emerging Local Plan are reflective of existing policy, and therefore the assessment of the proposals against existing policies remains relevant to the emerging policies.
17. The South Pennine Moors SPA / SAC Planning Framework SPD (2022) is relevant to the application. The Site is not within the South Pennine Moors Special Protection Area (SPA), but the Preliminary Ecological Appraisal (PEA) identified that any potential effects upon the SPA for foraging birds should be investigated as The Site is within 'Zone B'.
18. A full list of conditions is included separately.
19. At this stage, no S106 is anticipated.
20. Matters which are the subject of specific areas of agreement / disagreement

Agreement:

- Provided appropriate conditions are attached no unacceptable impacts would arise from proposed HGV movements;
- Provided appropriate conditions are attached there would be no unacceptable noise impacts to residential properties that would result from the proposal ;
- Provided appropriate conditions are attached no unacceptable air quality issues would result from the proposal ;
- The risks to groundwater and drinking water are now capable of being managed by appropriately worded conditions, the exact wording of the conditions is subject to ongoing discussions. If not protected by appropriately worded conditions the proposal could have unacceptable impacts on groundwater and drinking water;
- The site is not regarded as supporting habitat to the South Pennine Moors SPA/SAC and therefore highly unlikely to have a significant effect on the interest features of the SPA/SAC. As such there is no further assessment against the habitat regulations required;
- It is considered that the proposal is not in conflict with the five purposes of the Green Belt, there is however, the potential for the openness of the Green Belt to be compromised by this proposal due to the visual impacts on the landscape, however, even with this in mind it is not considered, on balance, that the openness of the Green Belt is compromised to such a magnitude that the 'tipping point' has been reached. It is therefore considered that the proposal

can be considered appropriate development in the Green Belt. There is no reason for refusal on Green Belt grounds.

- There is a known building stone resource at the site;
- The Brooks Ecology Reports submitted as part of the application adequately capture the baseline habitats present on site and that the BNG snapshot report is suitable to illustrate indicative habitat losses and gains over the lifespan of the works;
- Discussions relating to a protected species are ongoing and will continue prior to Inquiry; and,
- There are no other protected species concerns relating to the site.

Disagreement:

- Whether the development gives rise to unacceptable Landscape effects including unacceptable adverse impacts on recreational use ; disruption and disturbance locally and on the broader enjoyment of the surrounding Landscape; the unacceptable adverse visual impacts on amenity for residential properties; the adverse impacts on tourism; and the adverse impacts on recreation.

Whether the land is a Valued Landscape.

- Whether the Brooks Ecology Reports submitted as part of the application demonstrate:
 - timely Biodiversity Net Gain can be achieved;
 - whether there is an unacceptable impact on Habitats within the Wildlife Habitat Network; and,
 - That the appellant has adequately demonstrated mitigation of impacts on Protected Species.
- Whether any part of the site is comprised of Previously Developed Land; and,
- Whether the other areas referred to above in para 2 can properly be referred to as 'wood areas' or as 'scrub', or a mixture of both of these.

A list of Core Documents will be agreed between the Appellant and BMDC prior to the Appeal being heard.

Draft Conditions (without prejudice)

Horn Crag, Fishbeck Lane - APP/W4705/W/23/3332884

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. This permission shall be for a limited period and shall cease on XYZ . By the XYZ the site shall be fully restored, in accordance with the schemes approved under conditions XYZ below, and all plant, machinery and structures associated with the development (including the internal haul roads, wheel wash and weighbridge) shall be removed from site.

Reason: To provide for the completion of operations and restoration of the site at the earliest opportunity within the project timescale, in the interests of amenity, minimising the duration of adverse highways impacts and the protection of the Green Belt, in accordance with policies SC7, EN9 and EN10 of the Bradford Core Strategy

3. The development hereby approved shall only be carried out in accordance with the following drawings and documents:

- i) Appellant please list drawings and documents which you consider necessary
- ii) Flood Risk Assessment, Document Reference: 232/5--R1.0 FRA

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: In the interests of amenity and for the avoidance of doubt as to the terms under which this planning permission has been granted.

4. In the event of a cessation of mineral extraction prior to the achievement of the final levels under the approved scheme, which in the opinion of the Local Planning Authority constitutes a permanent cessation, a revised restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented within one year of the date on which minerals extraction operations ceased unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide for the completion of operations and restoration of the site at the earliest opportunity, in the interests of amenity, facilitating restoration and minimising the duration of any adverse impacts in accordance with policy EN9 of the Bradford Local Plan Core Strategy.

5. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Mineral Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

6. The winning and working of minerals, including all excavation works, shall only be undertaken in accordance with the depth and area of extraction shown on the approved drawing entitled XYZ. No working shall take place below XYZ AOD and as shown on this plan.

Reason: In the interests of amenity and the protection of groundwater, in accordance with policies EN7, EN8 and EN9 of the Bradford Local Plan Core Strategy.

7. The methods for the control of dust outlined in Document Reference: MPG 232/5--R2.0 - Dust Management Scheme, shall be implemented in full whilst ever the development subsists.

Reason: To ensure that the dust mitigation measures are in place to comply with policy EN8 of the Bradford Local Plan Core Strategy.

8. The methods for the control and mitigation of noise outlined in The Nova report (ref 5781MP, Version 006) dated 17 May 2023, shall be implemented in full whilst ever the development subsists.

Reason: To ensure that the noise mitigation measures are in place to comply with policy EN8 of the Bradford Local Plan Core Strategy.

9. Noise generated by operations at the site shall not exceed 55dB(A) L Aeq (1 hour) free field, as measured within the curtilage of any surrounding residential dwelling.

Reason: To ensure that the noise mitigation measures are in place to comply with policy EN8 of the Bradford Local Plan Core Strategy.

10. The operator shall maintain accurate records of the annual output of sandstone products produced from sandstone reserves at the site (including building stones, roofing stones, paving stones, aggregates and sand). Not later than 31 July in every year commencing from the date of this decision notice a confidential copy of the annual record of output from the site shall be submitted to the Minerals Planning Authority.

Reason: To monitor the output of the site and ensure that the site is being worked in accordance with this planning permission, in the interests of the timely working and restoration of the quarry and the efficiency of use of the mineral reserve, in accordance with policies EN9 and EN10 of the Bradford Local Plan Core Strategy.

11. All available top and sub soils shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part of the site or stacking top soil on that part of the site). All top and sub soils shall be stored at the site for use in restoration and shall not be removed from the site. Soil stripping, stockpiling and replacement work shall only be carried out when the material is in a dry and friable condition.

Reason: To ensure that soil resources at the site are protected from damage, stored and appropriately re-used for restoration, in accordance with policies EN9 and EN10 of the Bradford Local Plan Core Strategy.

12. Soil stripping will take place outside of the bird breeding season (1st February to 15th August). If this is not possible, then within a week prior to any soil stripping taking place a survey by a qualified ecologist for ground nesting birds shall take place for the whole site. If any ground nesting birds (including raptors) are present within the site, then works shall be halted until the young birds have fledged. This will be determined by the bird species which is nesting and advised upon by a qualified ecologist.

Reason: To ensure that important habitats and species are protected in accordance with policy EN2 of the Bradford Local Plan Core Strategy.

13. No waste or other bulk fill materials shall be imported to the site to which this notice relates. No soils shall be imported to the site to which this notice relates.

Reason: This planning permission does not convey any approval to deposit waste at the site for the purposes of restoration or any other purposes and the policies and risks associated with depositing waste at the site have therefore not been assessed, in accordance with Policy EN9 of the Bradford Local Plan Core Strategy.

14. No blasting shall be undertaken at the site to which this notice relates.

Reason: In the interests of amenity of the locality in accordance with Policies EN8 and EN9 of the Bradford Local Plan Core Strategy.

15. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with, and use, effective silencers.

Reason: To protect the amenities of the local residents, in accordance with Policies EN8 and EN9 of the Bradford Local Plan Core Strategy.

16. Access to the site to which this notice relates shall only be gained via the access point shown on Drawing entitled Site Layout Plan, ref 232/5 – 3 rev 2.2, from Fishbeck Lane. No other access shall be used by any vehicles entering or leaving the site.

Reason: In the interests of highways safety, in accordance with Policies TR1, EN8 and EN9 of the Bradford Local Plan Core Strategy.

17. Not more than 10 two-way HGV trips (5 in and 5 out) per day and maximum of 40 two-way HGV trips (20 in and 20 out) in any one week shall take place. No HGVs shall enter or exit the site on Sundays, Bank or Public Holidays.

Reason: In the interests of highways safety and to protect the amenities of nearby local residents in accordance with Policies TR1, EN8 and EN9 of the Bradford Local Plan Core Strategy.

18. The HGV routing arrangements shown on drawing HGV Routing Plan (drawing ref: 232/5/1-6 Rev 1.1), shall be implemented in full and communicated to all HGV drivers transporting materials to or from the site.

Reason: In the interests of highways safety and the protection of highways infrastructure and to protect the amenities of nearby local residents in accordance with Policies TR1, EN8 and EN9 of the Bradford Local Plan Core Strategy

19. No vehicles leaving the site shall enter onto the public highway unless their wheels and chassis have been cleaned sufficiently to prevent any mud, dirt or debris from being deposited on the public highway.

Reason: In the interests of highway safety in accordance with Policies TR1 and EN9 of the Bradford Local Plan Core Strategy.

20. A scheme shall be submitted to and approved in writing by the Mineral Planning Authority, which shall detail the repair works to be undertaken along Fishbeck Lane from the access point from the site onto Fishbeck Lane and to the east off Fishbeck Lane noted as the HGV routing on drawing ref: 232/5/1-6 Rev 1.1.

The scheme shall include amongst other matters:

- a. A pre-commencement survey; interim survey every 3 years; and post completion survey.
- b. Full details of all the potholes, cracks, scouring and any other highway defects shall be noted for each survey and the full details of the materials and methodology to be used for the repairs of all the potholes, cracks, scouring and any other highway defects identified.
- c. Timescales to complete the repairs.
- d. Proposals to alert users of the unadopted highway to the ongoing repairs and to ensure distribution and conflict with such users is minimised.

The approved repair works shall be fully implemented and undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Bradford Local Plan Core Strategy.

21. No mineral extraction, or any other operations, storage or parking shall take place outside the proposed extraction boundary shown on Drawing Site Layout Plan 232/5 -3.

Reason: To ensure the retention and protection of the existing trees and scrub in the interests of ecology and landscape character, in accordance with Policies EN2, EN4 and EN9.

22. Within 6 months of this decision notice, a detailed scheme for the restoration of the site based on approved Drawing Schematic Restoration Scheme Features 232/5-7 and document entitled 'Schematic Restoration Scheme' Document Reference: 232/5--R2.0 shall be submitted to the Mineral Planning Authority for approval in writing.

The restoration scheme shall include amongst other matters:

- final and full details of restoration levels and contours
- provision of detailed restoration programme with key dates for completion of each stage.
- wetland areas and their creation, including planting and specification of the planting.
- surface soil characteristics and depth, cultivation, full seeding details and detailed moorland planting, including all specifications.
- creation of areas of dry heath and acid grassland including all specifications
- Details of the retained faces
- Details of the creation of all habitats and/or nest sites.
- Full details of the protected species habitat creation
- Full details and location of the scree slopes
- Details of any tree planting
- Details of the timescales for each restoration phase, including seeding schedules and timescales for each noted habitat to be created.

The detailed restoration scheme shall be approved and fully implemented in accordance with the approved timescales.

Reason: To ensure the restored site is cared for in an appropriate manner in the interests of ecology, woodland creation and landscape character, in accordance with Policies EN2, EN4, EN9 and EN10 of the Bradford Local Plan Core Strategy.

23. Within 12 months of this decision notice a scheme for the aftercare of the restored site shall be submitted to the Mineral Planning Authority for approval in writing. Aftercare details shall include details of the long term monitoring and management of restored areas. An aftercare schedule shall be provided which sets out the aftercare activities which will be carried out in each of the X years following site restoration.

Reason: To ensure the restored site is cared for in an appropriate manner in the interests of ecology and landscape character, in accordance with Policies EN2, EN4 and EN9 of the Bradford Local Plan Core Strategy.

24. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall put in place measures to retain and protect the XXX Biodiversity Habitat Units and XXX Biodiversity Hedgerow Units as shown in XXXXXX of the Biodiversity Net Gain Assessment Report ref. XXX and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure the protection of existing biodiversity features in accordance with Bradford Local Plan Core Strategy Policy EN2, the NPPF, and BS 42020:2013.

25. An Ecological Enhancement Plan (EEP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The Plan shall deliver a net increase in areas of high value habitats including heathland and acid grassland compared to the Baseline Conditions on land within the planning application boundary and include the following.

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed habitats on scaled maps and plans
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management to include Target Condition Criteria.
- e) Appropriate management options for achieving aims and objectives.
- f) Details of how vegetation clearance and restoration will be sequenced during the operational phase of the facility to support the integrity of the Bradford Wildlife Habitat Network
- g) An annual work programme (to cover an initial 5 year period)
- h) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- i) The EEP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

- j) For each of the first 5 years of the Plan, a progress report sent to the MPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- k) The Plan will be reviewed and updated every 5 years and implemented for a minimum of 30 years following completion of restoration
- The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EEP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- The approved plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Bradford Local Plan Core Strategy Policy EN2, NPPF and BS 42020:2013.

26. Prior to mineral extraction a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the MPA. It shall include the first Monitoring Report, to take place after full implementation of approved landscaping and habitat creation establishment works, and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the LPA. The Monitoring Report will include the following:

- a) Confirmation of the Baseline habitats present and their conditions based on a survey at an appropriate time of year and how this compares to the habitats and conditions set out in the XXXX [vegetation report ref]
- b) Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
- c) How the monitoring is funded and the specialist ecological body responsible
- d) Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved

Subsequent Monitoring Reports will be submitted to the MPA at time-scales stated in the Monitoring Programme and where remedial measures or changes in management are required these will be addressed in the subsequent Landscape & Ecological Management Plan annual work programmes.

Reason: to ensure Biodiversity Enhancements are delivered and maintained as agreed in the approved Management Plan for a minimum period of 30 years?

27. All operations associated with the development, including any vehicle movements shall only be carried out between and not outside these periods:

- | | |
|----------------------------|----------------------|
| • Monday to Friday | 07.30 to 18.00 hours |
| • Saturday | 08:00 to 13.00 hours |
| • Sundays, Public Holidays | No working |

Reason: In the interests of residential amenity in accordance with Policy DS5 and EN8 of the Core Strategy Development Plan Document.

28. Before any part of the development is brought into use an external lighting scheme shall be submitted for approval by the Minerals Planning Authority and it shall ensure that no light shall shine into or toward residential properties or directly on to the highway.

The scheme should include the following information:-

- i) The type of luminaries to be installed showing for each unit, the location, height, orientation, light source type and power.
- ii) The proposed location of each illumination unit.
- iii) The predicted vertical illumination (lux) levels.
- iv) The proposals to minimise or eliminate glare from the use of lighting installation when viewed from aspect of the residential properties in the vicinity of the site.

The approved scheme shall be implemented before the Development is brought into use and maintained and retained thereafter.

Reason: In the interests of residential amenity and to comply with policy EN8 of the Core Strategy Development Plan Document.

29. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.

Reason: In the interests of controlling pollution in accordance with Policies EN8 and EN10 of the Bradford Local Plan Core Strategy.

30. There shall be no de-watering of the site.

Reason: In the interests of groundwater protection in accordance with Policies EN8 and EN9 of the Bradford Local Plan Core Strategy.

31. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bunded area.

Reason: In the interests of pollution prevention and to accord with Policies, EN8 and EN9 of the Bradford Local Plan Core Strategy.

32. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy.

33. If there is unexpected contamination of the potable water supply, operations on the development site shall cease until either the cause of the contamination is established not to be caused or contributed to by the development or otherwise until mitigation measures are in place and the potable water supply is wholesome again.

Reason: To ensure that the proposed development, does not cause contamination to the Potable water supply.

34. The development hereby permitted may not commence until such time as a scheme is submitted to and approved by the Council which;

- i. details the 50 metre Source Protection Zone for the potable groundwater supply source
- ii. identifies the highest potential water table by either site-specific water level readings taken over a suitable period or conceptual modelling. A climate change factor should be incorporated.
- iii. sets out a programme of further ground water measurements after quarrying commences to establish any changes that may occur to the water table

There shall be no quarrying within the approved Source Protection Zone and the approved scheme, in all other respects, shall be complied with whilst the development is being implemented

Reason

To ensure that the proposed development, does not harm the water environment in line with paragraph 180 of the National Planning Policy Framework and Position Statements B3, N7, N8 and N11 of the 'The Environment Agency's approach to groundwater protection'

35. There shall be no:

- interruptions to ground or surface water flows
- quarrying within 1 metre of the highest agreed water table as approved pursuant to condition 34 or as determined following the programme of further ground water measurements approved under condition 34(iii)

without the written consent of the local planning authority.

Reason

To ensure that the proposed development, does not harm the water environment in line with paragraph 180 of the National Planning Policy Framework and Position Statements N8 and N11 of the 'The Environment Agency's approach to groundwater protection'

36. No development shall take place until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the mineral planning authority in writing.

For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include

- The statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure archaeological interest are protected in accordance with policy EN3

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent order revoking or re-enacting that Order), no buildings or other structures shall be erected on the site except with the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, landscape character and the openness of the Green Belt, in accordance with Policies SC7 and EN9 of the Bradford Local Plan Core Strategy.

38. Condition re: diversion of footpath 18 and 19 ??

No development affecting the routes of footpath 18 or 19 shall take place until a diversion order has been successfully obtained.

Reason: To protect the legal route of the footpaths.

Condition AQ recommended re: Euro 5??

it is recommended that all HGVs accessing the proposed quarry site should be required to meet the current or previous Euro emission standard for HGVs. Under the current standards this would require a minimum of a Euro 5 vehicles. The application states that all HGVs at opening will meet the Euro 5 standard or better. If the application is approved a rolling standard of vehicle emission improvement should be applied to ensure HGVs remain at current or previous Euro emission standard throughout the lifetime of the development.

Conditions for protected species maybe attached once the matter has been given further due consideration.

Footnote:

For the purposes of interpreting this decision notice the term HGV shall be taken to mean any commercial vehicle having a permitted gross vehicle weight (GVW) in excess of 7500kg.

Footnote:

For the purposes of interpreting this decision notice a permanent cessation of minerals extraction operations shall be taken to have occurred where:

- (a) no extraction or depositing operations authorised by this permission have taken place, to any substantial extent, for a period of at least two years; and
- (b) it appears on the balance of evidence that resumption of the extraction or depositing operations authorised by this permission, to any substantial extent, is unlikely.

Footnote:

Clean Air Zone Informative

The applicant should note that a Clean Air Zone (CAZ) is now in force in some parts of the Bradford District during 2022. Any HGVs passing through the CAZ which do not meet the minimum Euro 6 diesel emission standard (or operating on an approved alternative fuel) will be required to pay a daily entry fee unless subject to local business exemptions. The applicant is strongly recommended to familiarise themselves with the location of the CAZ controls and associated grant opportunities for vehicle upgrades should they plan to route any vehicles through the CAZ.

It is noted that the routing strategy for this application makes it unlikely that any associated HGVS will need to pass through the Bradford CAZ.

Footnote – Footpaths :

- The affected public footpaths must not be obstructed by any plant, materials or equipment. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

- If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact NRASWA@bradford.gov.uk for details.
- Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.
- If work alongside the public footpath presents a danger to path users, the affected section should be fenced off with safety netting
- The surface of the footpath should not be disturbed, however, if damage to the public footpath is caused by development works it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way these must be approved, in advance, by the Rights of Way Section.
- Throughout the period of development, the line of the footpaths must be indicated on site. If building works remove features that would enable users to find the footpath the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.