

**2022/1297**

Extension to existing clay workings quarry and associated restoration

**2022/1301**

Section 73 application to vary the approved quarry restoration scheme as authorised under planning permission 2007/1784

Michelmersh Brick Holdings PLC

Carlton Main Brickworks, Clayburn Road, Grimethorpe, Barnsley, S72 7BE

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### **Site Description**

The application relates to Carlton Main Brickworks. The site is located off the A6195 within a large industrial area. Carlton Main Brickworks has a long history as brick manufacturers since the 1980's. The business consists of office buildings and factory buildings with the clay works/quarry to the east of the site. The buildings are concentrated within one area along with associated car parking. The site has a mix of flat roof and pitched roofed buildings constructed of differing materials.

Access into the brickworks is off the eastern side of Clayburn Road. Clayburn Road joins Springvale Road which is the main road through a small industrial area to the north. To the west, Springvale Road joins the A6195 at a four arm roundabout. Whilst access into the quarry workings can be gained from within the brickworks, a secondary access is located off a short industrial estate road which joins Springvale Road.

### **Site History**

The site has the following planning approvals which relate to the existing quarry -

93/1053 - Winning and working of minerals

95/0783 - Use of land for the storage of bricks and ancillary brick making operations

97/0215 - Approval of operating conditions pursuant to Environment Act 1995: Review of

99/0678 - Extension to existing quarry for brick making reserves

02/1669 - Extension to existing brick clay quarry followed by phased infilling with non hazardous wastes and restoration

Conditions 7 and 13 read:-

7. Prior to the importation of waste details shall be submitted to, and approved in writing by, the Local Planning Authority describing the external appearance, operation and positioning of the landfill gas compound and flare stack. The landfill gas compound and flare stack shall be erected in accordance with the approved scheme.  
**In the interest of amenity.**

- 13 Prior to the importation of waste details shall be submitted to, and approved in writing by, the Local Planning Authority describing the external appearance, operation and positioning of the Materials Recycling Facility. The Material Recycling facility shall be erected in accordance with the approved scheme.  
**In the interest of local amenity.**

2007/1784 - Section 73 application to not comply with Conditions 7 and 13 of planning permission 02/1669 –

Approved subject to the following:- 'The permission hereby granted shall only be implemented in conjunction and compliance with planning permission reference B/02/1669/HR; except for Conditions 7 and 13; which are hereby varied as follows:

Condition 7 - Unless otherwise agreed in writing, prior to the importation of waste, details shall be submitted to, and approved in writing by, the Local Planning Authority describing the external appearance, operation and positioning of the landfill gas compound and flare stack. The landfill gas compound and flare stack shall be erected in accordance with the approved scheme'.

Condition 13 - Unless otherwise agreed in writing, prior to the importation of waste, details shall be submitted to, and approved in writing by, the Local Planning Authority describing the external appearance, operation and positioning of the Materials Recycling Facility. The Materials Recycling Facility shall be erected in accordance with the approved scheme

Reason: This permission is granted under the provisions of Section 73 of the Town and Country Planning Act 1990.'

2024/0084 - Installation of 2 no. portacabins to be used as changing facilities – Approved

## **Proposal**

2022/1297 The planning application is for a lateral extension to the quarry workings to facilitate the extraction of around 500,000m<sup>3</sup> of mudstone/siltstone (gross, not allowing for mineral waste) for use in the brickworks. The extension would encompass around 3.5 hectares (ha) of land, which despite being in the ownership of the applicant, comprises part of the neighbouring country park. Clay would be extracted in the same fashion as elsewhere in the quarry using a back hoe hydraulic excavator which loads the mineral into articulated dump trucks for transfer to the stockpiling area (which is located on the eastern side of the brickworks building). In view of the variable nature of the deposit, it is necessary to work several faces at once to ensure that a suitable 'blend' of raw material is available for the brickworks; in this respect, a series of 3m to 5m high faces have been excavated and progressively advanced in an easterly direction, advancing up the eastern slope. Each face is separated from the next by an access 'bench' upon which the excavator sits.

The applicant currently extracts mudstones and siltstones from the quarry on a campaign basis (i.e. the mineral is extracted over a period of around 12 weeks per year, as opposed to continuously throughout the year). Campaigns are principally undertaken during the drier summer months, as the weak and friable nature of the rocks forming the quarry benches (see below) can lead to problems in maintaining the integrity of haulage routes within the quarry during periods of wet weather. As such, there are periods of activity and periods when there are no operations within the quarry workings.

During annual excavation campaigns, approximately 50,000m<sup>3</sup> to 60,000m<sup>3</sup> of mudstone, siltstone, and sandstone are excavated and transferred to the stocking area adjacent to the brickworks. This material weathers (break down) in the stockpile over the year; the material is blended during the load out process prior to feeding into factory for crushing and mixing.

The second planning application 2022/1301 is being made pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) to 'vary' the approved restoration scheme for the wider quarry workings, as authorised by planning permission ref. 2007/1784 (dated 4 January 2008). The approved restoration scheme envisaged that the void would be filled with biodegradable (non-hazardous) wastes; typically being sourced from household, commercial and industrial premises within the South Yorkshire area. However, in view of European and national policy drivers to divert such waste from landfill (in line with the 'Waste Hierarchy') landfill of non-hazardous wastes is no longer seen as a viable or sustainable means of restoring the site. In view of this, the second aspect of the scheme seeks to amend the restoration scheme, moving away from infilling with non-hazardous wastes and using inert construction and demolition wastes instead to create the restored landform. Moreover, it is proposed to amend the final profile of the restored landform; due to the change in waste type, it is no longer necessary to create a domed profile and so a lower level restoration scheme is being proposed. In so doing the timescale for achieving final restoration is greatly reduced.

The planning applications do not make any changes to the existing brickworks, which are located to the west of the quarry and subject to separate planning permissions.

#### Operating Hours

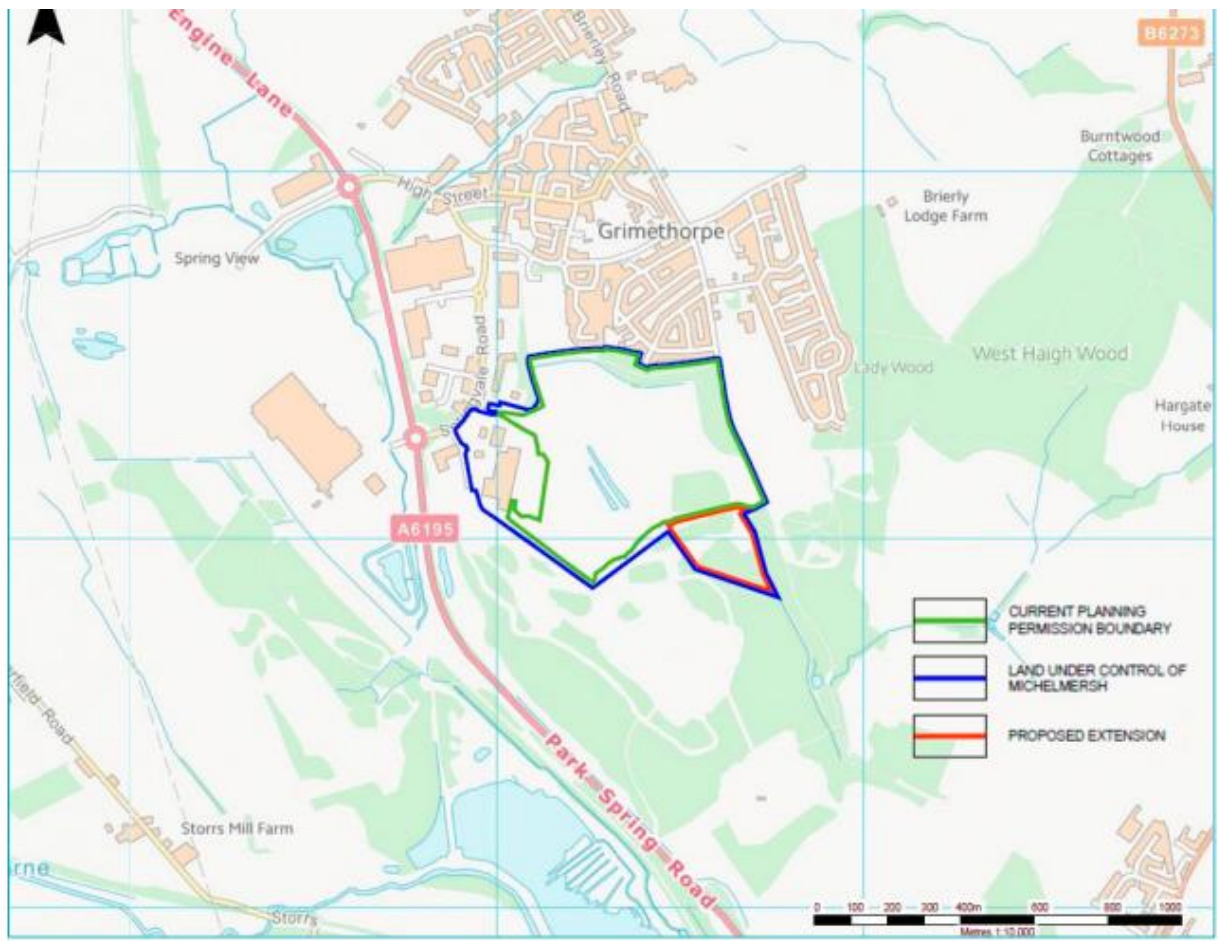
It is proposed that operations would continue to follow the approved operating hours. In this respect,

the following hours are observed for extraction operations:

- 0730 – 1800 hours Monday to Friday; and
- 0800 – 1300 hours on Saturday

Stripping operations are not allowed to commence until 0800 hours.

There are no workings on Sundays and Bank Holidays.



## Policy Context

National Planning Policy Framework (NPPF): Minerals – Section 17 - Facilitating the sustainable use of materials (December 2024)

It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

Planning policies should:

- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
- b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
- e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
- f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Natural Landscapes and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

d) not grant planning permission for peat extraction from new or extended sites;

e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

f) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

g) 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.

Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

#### *Planning Practice Guidance – Minerals*

How much detail on restoration and aftercare should be provided with the planning application?

The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:

- an overall restoration strategy, identifying the proposed after use of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where the land is agricultural land, an assessment of the agricultural land classification grade; and [landscape strategy](#).

Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture.

Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts

#### *Barnsley Local Plan Adopted 2019*

#### **Local Plan**

The site is allocated as the following within the Local Plan Proposals Map

Site MIN1 Carlton Brick works Clayton Road, Grimethorpe

Biodiversity or Geological Interest Site - Site recognised as having biodiversity and/or geological value – Carlton Main Brickworks

Nature Improvement Area - A nature conservation designation aimed at improving biodiversity at a landscape scale - Dearne Valley Green Heart

Green Belt - Land to be kept mainly free from development.

Greenspace - Parks & open spaces, play areas, sports pitches, local natural areas & cemeteries - New Park Spring (Restoration Site)

Part of the site is also allocated as Urban Fabric

The following policies are therefore of relevance:

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy E4 Protecting Existing Employment Land

Policy LG2 The Location of Growth

Policy POLL1 Pollution Control and Protection

Policy GB1 Green Belt

Policy GS1 Green Space

Policy BIO1 Biodiversity and Geodiversity

Policy MIN 1 Minerals

Provision will be made for non-aggregate mineral resources including primary and secondary resources as follows:

- Existing sites with planning permission for the extraction of minerals will be shown on the Policies Map which accompanies this Local Plan and will be protected from inappropriate development that could result in their sterilisation.
- Areas of Search are identified in this Local Plan.
- Areas of Safeguarding are identified in this Local Plan.
- It is expected that future extraction of minerals will normally take place within existing quarries or by site extensions rather than new sites.

- Wherever possible sustainable modes of transport will be used in connection with primary mineral extraction and in the transportation of secondary aggregates.
- Proposals for the exploration and production of oil and natural gas (excluding shale) will generally be supported.
- Within the licensed areas shown on the Policies map, proposals for exploration, appraisals and production of shale gas will be considered on their own merits against the plan as a whole and in accordance with national planning policies and guidance.
- Proposals to extract minerals prior to the commencement of non-minerals development which may otherwise sterilise the mineral, will generally be supported.
- Proposals for the recovery of material from mineral waste tips and land reclamation schemes (which may include the recycling, blending, processing and distribution of substitute and secondary materials), will generally be supported in appropriate locations as part of mineral extraction/reclamation schemes.
- The surface coal resource and fireclay and brick clay will be protected from sterilisation from non-mineral surface development.
- Supporting proposals for extraction where the stone is the original source of, or is needed for the repair or restoration of, a heritage asset.

All minerals proposals should:

- Be of limited duration.
- Have no unacceptable adverse environmental or amenity impacts.
- Be subject to high quality and appropriate reclamation and afteruse within a reasonable timescale; and result in a net increase in biodiversity and/or geodiversity interests.

**Consultations** (comments relate to both applications)

Biodiversity- No objections subject to conditions – in relation to the S73 application, Defra have now confirmed BNG is not applicable. With regards to landscaping, this can be conditioned.

Ward Councillors – No comments received

Coal Authority - No objection, informative on DN.

Contaminated Land – No comments received

Environment Agency - No objection, advice given

Trees – No comments received

Drainage - No comments received

Highways- No objections

Natural England – No objections raised subject to conditions

Pollution Control - No objections

Yorkshire Water – No observations

SYMAS – No comments

## **Representations**

The proposal was advertised by way of a site notice and press notice. Two comments have been received in response to the consultation for 2022/1297 and three comments received for 2022/1301. One objector has commented for both applications. The comments are summarised below:-

- The site infringes on the local country park that has already been decimated over the years
- Increased volumes of traffic and HGV's
- Air pollution
- Noise levels and no time limits set for duration of the work
- Dust impact
- Will monitoring of the waste occur, concerns regarding potential household waste
- Loss of Green Space/leisure space
- Impact on Biodiversity/wildlife
- Potential subsidence
- The proposal may attract vermin and spread disease

## **Assessment**

### Principle of development

Policy MIN 1 Minerals states that existing sites with planning permission for the extraction of minerals will be defined on the Policies Map and will be protected from inappropriate development that could result in their sterilisation.

The NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is sufficient supply. Previous planning permissions at this site granted consent for the quarrying activities for the brickworks, and these applications seek to vary the approved restoration scheme to allow for the change from infilling with non-hazardous wastes and using inert construction and demolition wastes instead to create the restored landform. Moreover, it is proposed to amend the final profile of the restored landform; due to the change in waste type, it is no longer necessary to create a domed profile and so a lower level restoration scheme is being proposed. The proposal also includes an extension to the current site. The site is allocated as Green Belt and Greenspace within the local plan where policies GS1 and GB1 would apply in principle.

Policy GS1 states that 'we will work with partners to improve existing green space to meet the standards in our Green Space Strategy. Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.'

Policy GB1 relates to the protection of the Green Belt and states that Green Belt will be protected from inappropriate development in accordance with national planning policy. The Proposed land restoration for agriculture and recreational use is in accordance with uses allowed for within the Green Belt and Green Space and is therefore acceptable in terms of land use, subject to the material considerations below, including the proposals impact upon Highway Safety and Biodiversity/Geodiversity.

### Flood Risk and Drainage

The Council's Drainage Officer and the Environment Agency have no objections to the proposal. The site is set within Flood Zone 1 therefore the risk of flooding of the site is low.

### Biodiversity, Trees, and Geology

The Biodiversity Officer has no objections to the proposals and has considered the Ecology Report in detail and has recommended approval of the application subject to conditions and informatics. The development shall be completed in line with Chapter 7 (Ecology) of the Environmental Statement and the Updated Carlton Main Supplementary Ecological Information v1. All the recommendations shall be implemented in full according to the timescales laid out and thereafter permanently maintained for the stated purposes of biodiversity conservation.

The Tree Officer has not raised any objections to the proposal. In terms of landscaping, the Biodiversity Officer has requested that within 5 years of the date of the permission, full details of landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall also include the following:-

- Skylark have been recorded breeding on site, landscaping plans should take this into account to ensure ground nesting bird habitat is created within the proposal site.
- Any habitat management/enhancements on site should undertaken to ensure they provide benefits for willow tit and other qualifying species of the Dearne Valley Wetlands SSSI, due to the proximity of the proposal site to the SSSI.
- Additional wetlands habitats shall be included within the restoration plans including reedbeds, marshy grassland, wet woodland, scrapes and scrub planting and bespoke species mitigation such as invertebrate banks and hibernacula should be created.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. However, due to the proximity of Carlton Main Brickworks SSSI, Natural England welcomes the recommendation in section 9.38 of chapter 9 of the Environmental Statement, 'Subject to safe access a geologist could periodically map and record the exposed faces in the south east extension to determine the presence or absence of the Cambriense (Top) Marine Band'. We advise if the Cambriense Marine Band is discovered during the extension works then Natural England should be notified of its presence. If new exposures are found, the restoration scheme should be re-assessed.

### Highway safety

The proposed extension would expand the quarry workings by around 3.5 hectares into land that is used in connection with the New Springs Country Park. In so doing, around 375,000t of brick clay would be released.

The clay would be excavated using the same techniques as elsewhere in the quarry and stockpiled within the existing stocking area (on the western boundary) pending transfer to the brickworks. Following extraction, the workings would be restored by infilling the workings with inert materials to create a low-level restoration scheme which would be free draining. =

The proposed extension would not affect access to the quarry with the existing arrangement being retained and no changes proposed. The number of HGVs delivering imported materials would be within the tolerance already permitted.

There are no formal public rights of way within the Southern Extension, however it is crossed by some informal paths associated with the country park. As these paths are not formal rights of way, no stopping up or diversion orders need to be made; however, it is the intention of the developer to make provision for the paths to be diverted around the periphery of the workings.

Given the above, the proposals are acceptable from the perspective of highways. No specific conditions are deemed necessary.'

In view of the above there are no objections to the proposal in terms of Highway Safety.

#### Pollution Control and Drainage

It is proposed that operations would continue to follow the approved operating hours. In this respect, the following hours are observed for extraction operations:

- 0730 – 1800 hours Monday to Friday; and
- 0800 – 1300 hours on Saturday

Stripping operations are not allowed to commence until 0800 hours. There are no workings on Sundays and Bank Holidays. Although there are not many properties in the vicinity of the site. The applications have been assessed by the Council's Pollution team who are satisfied that they will protect amenity.

Yorkshire Water and the Drainage Officer have no comments for the applications. The Environment Agency have been consulted and have no objections to the proposal but have provided advice which has been passed on to the agent. They have recommended that the monitoring of both groundwater levels and groundwater quality at the site continues to be undertaken and appropriately developed in the event of permission being granted and in line with existing or future Environmental Permits

#### Coal Mining Legacy

The Coal Authority have been consulted and do not consider that requiring a Coal Mining Risk Assessment is necessary in this particular case and they do not object to this planning application subject to an informative.

#### Conclusion

The amended restoration and extension of the established brickworks site is considered to be acceptable and in compliance with Local Plan Policies MN1, GB1, GS1, T4 and BIO1 of the Local Plan and the NPPF subject to conditions.

#### **Recommendation**

Grant subject to conditions