



**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/70/92617/W0

To: Chris Ballam,
MWP Planning
10, Dobroyd
Shepley
Huddersfield
HD8 8AU

For: Saxonmoor Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

VARIATION OF CONDITION 3 (SCHEMES AND PLANS) ON PREVIOUS
PERMISSION 2015/90531 FOR VARIATION OF CONDITION 3 (SCHEMES AND
PLANS) ON PREVIOUS PERMISSION 2013/93800 FOR VARIATION
CONDITIONS 3, 4 AND 34 AND REMOVAL OF CONDITION 14 ON PREVIOUS
PERMISSION 2002/90557 FOR EXTRACTION OF SANDSTONE, ASSOCIATED
ANCILLARY ACTIVITIES, RESTORATION BY MEANS OF INFILL WITH
OVERBURDEN AND INERT WASTE

At: HILLHOUSE EDGE QUARRY, CARTWORTH MOOR ROAD, CARTWORTH
MOOR, HOLMFIRTH, HD9 2RL

**In accordance with the plan(s) and applications submitted to the Council on
05-Aug-2019 [together with those plans and application(s) submitted to the
Council on 02-Mar-2015 and incorporated into planning permission ref no.
2015/70/90531/W granted on 05-Jun-2015] and subject to the condition(s)
specified hereunder:-**

PLANS

1. A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

Reason: For the avoidance of doubt and to ensure that the site is operated in accordance with the requirements of this planning permission.

DURATION

2. Extraction of minerals shall cease, all plant and equipment shall be removed and the site restored to a condition suitable for agriculture in accordance with the approved plan no. 10172-04 final restoration scheme (land levels) and details contained in condition 28 below by 31st December 2028.

Reason: To ensure the satisfactory completion of mineral extraction and subsequent restoration of the site within an acceptable period of time as well as to ensure the landscape proposals integrate well with the surrounding local amenity and character of the area, in accordance with Policies LP36 and LP37 of the Kirklees Local Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance.

3. The working, restoration and aftercare of the site shall be carried out only in accordance with the following schemes and plans:

10172N/01 Location and site plan

C6299/2b Topographical Survey

10172N/03A Northern Quarry Working Scheme

C6299/3 Maximum Excavation Plan

10172-04 Final Restoration Scheme (land levels)

C6299/50 Overall site Plan

Supporting statement and addendum received 01/05/14, produced by MWP planning, dated November 2013, February 2015 and June 2020 including the associated addendum (Hydrogeological and Flood Risk Assessment ref :016/03/hhe/1113) and conditions below which shall in all cases take precedence.

Reason: To enable the Mineral Planning Authority to adequately monitor the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site on completion, in accordance with Kirklees Local Plan Policy LP37 and guidance within the National Planning Policy Framework.

PRIOR CESSATION

4. In the event of prior cessation of mineral extraction/land filling operations prior to the achievement of the completion of the approved land levels/restoration a revised reclamation scheme to include details of restoration, aftercare and a timetable for implementation shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the permanent cessation. The scheme shall provide for:

- a) Backfilling of the quarry void and details of subsequent even grading of the site to achieve acceptable post restoration gradients
- b) Plans indicating post restoration ground levels on the site by contour and cross section, areas to be restored to agricultural land and any hedges, walls or enclosure to be created on the site
- c) Replacement of stored overburden, removal of screen mounds, and details for soil replacement including depths of subsoil and topsoil to be replaced
- d) Landscape details for the establishment of a grass sward of the whole site to be restored for agricultural use
- e) A post-restoration drainage scheme.
- f) A time table for the implementation of all of the above works

Thereafter the approved revised reclamation scheme shall be fully implemented within the approved timetable.

Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Kirklees Local Plan Policies LP36 and LP37 and Section 17 of the National Planning Policy Framework

ACCESS

5. The sole means of vehicular access to and egress from the site shall be via Cartworth Moor Road as indicated on approved plan no. C6299/50 'Site Plan'.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework

6. The alignment, dimensions, construction, surfacing and drainage of the approved access road and its junction with Cartworth Moor Road shall not be altered without the prior agreement in writing of the Mineral Planning Authority.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework

7. All commercial vehicles leaving the application site shall have their wheels and chassis cleaned before they enter the public highway.

Reason: In the interests of the free and safe use of the highway and to prevent material being deposited on the access road or highway in accordance with Kirklees Local Plan Policies LP21 And LP36.

8. The total number of Heavy Good vehicle movements, including access to and egress from the site indicated by red hatching on approved drawing no. C6299/50 shall not exceed 8 in any one day.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and guidance in the National Planning Policy Framework

9. All loaded Heavy Goods Vehicles leaving the site shall have their loads sheeted except those only carrying stone in excess of 500cm in width.

Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework

10. Existing signage at the exit to the site advising drivers of the vehicle routes shall be maintained in good order and continue to be displayed for the duration of mineral extraction/landfilling activities.

Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework

11. The current metalled section of the of the quarry access which adjoins Cartworth Moor Road shall be maintained in good order and free from potholes for the duration of this planning permission.

Reason: In the interests of the free and safe use of the highway and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework

DEPTH OF WORKING

12. No workings or extraction of mineral shall take place below the excavation base contour levels indicated on approved drawing no. C6299/3, 'Maximum Excavation Plan'.

Reason: To protect ground water regimes and to minimise and restrict disturbed areas to not extend beyond those identified on the approved plan in accordance with Kirklees Local Plan Policy LP36 and Sections 15 and 17 of the National Planning Policy Framework

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING

13. No more than a total of 5,000 tonnes of aggregates and/or walling stone produced at the quarry operated under the provisions of planning permissions HO/77/A, 90/63/06668/W0, 2002/70/90705/W0, 2002/70/90706/W0 and 2002/70/90557/W0 shall be exported from the said quarry per calendar year.

Reason: To protect groundwater regimes from pollution, reduce the duration of disturbance and in the interests of the free and safe use of the highway and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and Sections 15 and 17 of the National Planning Policy Framework

14. A strip of land with a minimum width of 3 metres shall remain unworked inside the dry stone walls on the boundary of the site.

Reason: To ensure the stability of adjacent land and in the interests of visual amenity, in accordance with Kirklees Local Plan Policy LP36 and Sections 15 and 17 of the National Planning Policy Framework

15. No waste, mineral or soils shall be stockpiled nor fixed plant located above the original level of the ground.

Reason: In the interests of visual amenity and to safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework

16. There shall be no screening or crushing or any other processing of rock in the quarry area indicated by a solid red line on drawing no. C6299/2b.

Reason: In the interests of visual amenity and to safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework

17. From the date of this permission the operators shall maintain records of their monthly production and import of waste material and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 24 months.

Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring and to accord with Policy LP36 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

WATER PROTECTION AND POLLUTION PREVENTION.

18. Effluent produced by stone sawing operations at the site shall only be managed via a closed circuit system which operates in conjunction with a filter press of adequate capacity to treat the volumes of effluent generated.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

19. Should any part of the effluent treatment system fail, all stone sawing operations shall cease immediately and shall not resume until the treatment system is fully operational.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

20. No solid or liquid waste material associated with the stone sawing process shall be deposited within the permitted site indicated by a solid red line on approved drawing no. C6299/2b or within the area to which planning permission HO/77A relates.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

21. The existing concrete capping measures covering the well located within the quarry and indicated on drawing no. C6299/2b shall be maintained in good order and shall be retained until final site restoration.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

22. All worked out areas of the quarry void shall be initially backfilled to a depth of 0.5 metres and 0.5 metres thickness adjacent to the quarry walls using compacted gravel sized fill material.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

23. Management of surface water run-off within the site shall continue in accordance the 'Drainage Method Statement' approved by the Mineral Planning Authority on 27 November 2007.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework.

24. All water draining from the roofs of site buildings shall be directed into storage tanks and shall not be discharged directly onto adjacent land. The storage tanks shall be of sufficient capacity to accommodate normal flow rates and intermittent flow rate surges resulting from storm events.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

25. Only uncontaminated excavated natural materials shall be deposited on the site and there shall be no deposition of timber, paper, plasterboard or any other material capable of producing a polluting leachate.

Reason: To protect ground water regimes from pollution and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

26. 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 shall 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of water courses or underground aquifers and to accord with Kirklees Local Plan Policies LP34 and LP36 as well as Sections 15 and 17 of the National Planning Policy Framework

SOIL STRIPPING & RESTORATION

27. The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid smearing and compaction and to ensure that all available soil resources are recovered.

Reason: To protect a scarce resource and in the interests of ensuring that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policy LP37 Sections 15 and 17 of the National Planning Policy Framework

28. After the completion of minerals extraction the site shall be reclaimed to agriculture in accordance with a detailed scheme submitted for the approval of the Mineral Planning Authority within 12 months of the date of this permission. The submitted scheme shall expand upon the proposals indicated in Section 4 of the Supporting Statement produced by MWP Planning dated November 2013 and shall provide, inter alia, for;

- (a) the phasing and direction of the backfilling of the site with quarry waste and imported waste
- (b) the removal of plant, buildings and structures, machinery, haul roads and all storage/screen mounds and fences
- (c) spreading a minimum depth of 350mm subsoil and 250mm topsoil over the areas to be restored to agricultural use;
- (d) a minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall be placed on the surface of the final waste deposit.
- (e) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
- (f) details of cultivation techniques and equipment to be used;
- (g) final levels and contours of the restored land graded to blend in with those of the surrounding land (to be no higher than original ground levels) and graded to prevent ponding and promote good surface water drainage;
- (h) landscape scheme of all the site, with detail of grass seeding of all areas to be reclaimed to agriculture, the location and construction of any proposed walls, fences, enclosures and gates in the local style.

- (i) a surface water land drainage scheme for the restored land to be implemented when the reinstated land has settled sufficiently for the work to be effectively undertaken
- (j) programme of works/phases and timescales;
- (k) Notwithstanding the proposal to backfill the site to natural ground levels all residual quarry faces awaiting restoration by backfill shall be left at an angle of slope which will be stable in the long term and this landform shall be supported by the opinion of a geotechnical engineer.

Thereafter the restoration works shall be fully implemented in accordance with the approved details/timescales with the Mineral Planning Authority being notified in writing, 7 days prior to the spreading of subsoil or topsoil.

Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring so as to ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

SOIL REPLACEMENT DURING RESTORATION

29. The final 500mm of waste materials deposited on the site shall consist of clean uncontaminated excavation material or subsoil and be wholly free of obstacles likely to impede subsequent cultivation.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

30. Prior to the spreading of , a minimum of 150 mm of topsoil the surface of the site shall be ripped to a depth of 450mm to relieve compaction at spacings of not more than 780mm and all stones, bricks, concrete or any object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the site.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

31. The Mineral Planning Authority shall be notified in writing when the works required by Condition 30 have been completed.

Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring of the approved works being carried out within the approved timescale and to accord with guidance within the National Planning Policy Framework

32. The spreading of subsoil and topsoil shall only be carried out when the material and the ground on which it is to be placed are in a dry and friable condition and in sufficient time for subsoiling, cultivation and reseeding to take place under normal weather conditions generally before the end of September.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

33. Any sowing, planting or management works forming part of the landscaping scheme referred to in Condition 28 above shall be carried out during the first seeding season following the completion of development and shall be maintained in accordance with such details thereafter.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

34. If in any part of the restored area satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and seeded after the correction of any nutrient deficiencies in the soil during the next sowing season and such work shall be repeated until a sward is established.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

35. Within 2 months of the restoration of the final top layer, the developer shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site, together with a record of the depth and composition of the reinstated soil profiles.

Reason: To ensure that the restoration of the site results in a beneficial afteruse, in accordance with Kirklees Local Plan Policies LP36 and LP37 as well as Sections 15 and 17 of the National Planning Policy Framework

PROTECTION OF AMENITY

36. The 'A' weighted equivalent continuous free field noise level ($L_{Aeq,T}$) when measured at a height of 1.2 metres -1.5 metres above the ground and at least 3.5 metres from any reflecting structure other than the ground, attributable to the operation of the site, measured at, or projected to, any noise sensitive property, (including residential accommodations and buildings housing farm animals), or at equivalent positions agreed with the Mineral Planning Authority, shall not exceed:

(a) 70 dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of the soil baffle mounds and soil stripping and replacement as agreed in advance with the Mineral Planning Authority. (This noise limit is only permitted for a maximum of 8 weeks in any 12 month period) (b) 45 dB(A) in any one hour period at any noise sensitive property during all other site operations.

Reason: To safeguard the amenities of nearby residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

37. Except with the prior written approval of the Mineral Planning Authority, excavation and backfilling works and any HGV movement on or off the site shall be carried out only between the hours of:

0730 – 1800 hours Monday to Friday 0730 - 1300 hours on Saturday and at no time on Sundays or Bank or National Holidays

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

38. Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations such as soil stripping and replacement, and baffle mound formation and removal shall be carried out only between the hours of:

0900 - 1800 hours Monday to Friday 0930 - 1300 hours on Saturday and at no time on Sundays or Bank and National Holidays.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

39. Except with the prior written approval of the Mineral Planning Authority, all servicing, maintenance and testing of plant shall be carried out only between the hours of:

0730 - 1800 hours Mondays to Friday 0730 - 1300 Saturday and at no time on Sundays or Bank and National Holidays.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

40. Efficient silencers for engines shall be fitted to, used and maintained on all vehicles, plant and machinery used on the site. Equipment which develops any fault resulting in a noisy operation shall be removed from use until the fault is remedied.

Reason: To protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

41. At all times measures shall be employed to prevent and counteract the effects to nearby residents of audible warning alarms associated with operations at the site.

Reason: To safeguard and protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

42. No blasting shall be carried out on the site.

Reason: To safeguard and protect the amenities of local residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework

DUST

43. The site shall be operated at all times in accordance with the dust suppression measures detailed in section 8.5 of the supporting statement produced by MWP planning and dated November 2013 pursuant to planning permission 2013/70/93800 (see link below)

Reason: To safeguard and protect the amenities of nearby residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

44. The external areas of the site shall not be used for the storage of waste skips or containers or other plant and equipment.

Reason: To safeguard and protect the amenities of nearby residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

45. No material shall be burnt within the boundaries of the site and a fire on the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.

Reason: To safeguard and protect the amenities of nearby residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

PERMITTED DEVELOPMENT RIGHTS

46. Notwithstanding the provisions of parts 7 and 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site.

Reason: In the interests of visual amenity and to accord with Kirklees Local Plan Policies LP36 & LP52 and guidance in the National Planning Policy Framework

AFTERCARE

47. An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the site reclaimed under Condition nos. 4 and 28 to the required standard for use for agriculture shall be submitted for the approval of the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development. Thereafter the approved aftercare scheme shall be fully implemented.

Reason: To ensure the restoration of the site when development is complete, is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework

48. The aftercare scheme submitted in accordance with Condition no.47 above shall provide an outline strategy which shall include:

- a detailed annual programme for the first year of aftercare
- a Management plan of the restored agricultural land to target notable species (such as golden plovers) through a specified cutting/grazing regime,
- details identifying who would be responsible for carrying out the aftercare,
- broadly outline the steps to be carried out in the aftercare period, and their timing within the overall programme,
- include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals

Reason: To ensure the restoration of the site is completed to a beneficial after use, to avoid any potential future impact on South Pennine Moor Special Protection Area birds, secure biodiversity net gain and accord with Kirklees Local Plan Policies LP30 and LP37, Sections 15 and 17 of the National Planning Policy Framework and requirements identified in National Planning Practice Guidance

49. Following compliance with Condition 47 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals and the approved scheme shall be fully implemented.

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

50. Every year during the aftercare period, the developer shall arrange a site meeting to be held before 30th November to discuss the reports prepared in accordance with Conditions nos. 47 and 49 above to which the following parties shall be invited:

- (a) The Mineral Planning Authority,
- (b) The operator,
- (c) All owners/tenants of land within the site,
- (d) Any restoration/aftercare sub-contractor retained by the applicant/operator,
- (e) DEFRA,
- (f) Natural England.

to discuss the reports prepared, review progress to date, agree any further remedial measures or improvements necessary to be carried out under the aftercare programme for the coming year.

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

ARCHAEOLOGY AND GEOLOGY

51. The Minerals Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site. The developer shall afford access at all reasonable times to individuals nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.

Reason: To enable sites of archaeological interest to be adequately investigated and recorded and to accord with Section 16 of the National Planning Policy Framework

FOOTNOTE: see links below to previous permission and also in relation to conditions 3 and 43 above.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2013/93800&file_reference=475783

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90531>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2002%2f90557>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and site plan	10172N/01		05/08/2019
Topographical Survey	C6299/2b		04/02/02 (2002/90557)
Northern Quarry working scheme	10172N-03A		1/06/20
Maximum Excavation Plan	C6299/3		04/02/02 (2002/90557)
Final restoration scheme (land levels)	10172/04		02/10/20
Overall site plan	C6299/50		04/02/02 (2002/90557)
Revised supporting statement			17/06/20
Addendum to supporting statement			01/05/14 (2013/93800)
Habitat Regulations Assessment – Supplementary Nocturnal/Ornithological surveys	Dated July 2020		27/07/20

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information was secured in the form of surveys to secure biodiversity interests. Formal agreement has also been sought from the applicant to the conditions set out above.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

**Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority**

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**
 - i) **28 days from the date of this notice where the enforcement notice has been served,**
 - ii) **28 days of the date of service of the enforcement notice or,**
 - iii) **the specified period starting from the date of this notice,**

whichever period expires earlier.
- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- The “specified period” is 12 weeks where the development relates to a “minor commercial application” as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 15-Jan-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2019/70/92617/W0.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
