



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

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2019/70/93371/E0

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

For: Mone Brothers Excavations 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 AND 13 AND REMOVAL OF CONDITION 18 ON
PREVIOUS PERMISSION 98/93299 FOR MINERAL EXTRACTION AND
RESTORATION BY LANDFILL

At: TEMPLE QUARRY, LILEY LANE, GRANGE MOOR, HUDDERSFIELD

In accordance with the plan(s) and applications submitted to the Council on 14-Oct-2019 [together with those plans and application(s) submitted to the Council on 25-Nov-1998 and incorporated into planning permission ref no. 98/62/93299/E0 granted on 20-Jan-2000] and subject to the condition(s) specified hereunder:-

TIME LIMITS

1. The extraction of minerals and restoration works shall be worked in tandem at the site, with the extraction of minerals ceasing by 30th April 2032. Restoration of the site comprising of agriculture land and woodland shall be carried out and completed in accordance with the approved phasing drawing nos. 10179/05A Rev C Phase 1, 10179/05B Rev C Phase 2, 10179/05C Rev C Phase 3, 10179/05D Rev B Phase 4 and the soft landscaping details in accordance with drawing no. GK/T/6, no later than 30th December 2032.

Reason: In the interests of visual amenity, openness of the Green Belt and to ensure the landscape proposals integrate well with the surrounding local amenity and character of the area, in accordance with Policies LP36, LP37 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance.

PRIOR CESSATION

2. In the event of a prior cessation of land filling operations in excess of a period of twelve months, the haul road and any part of the permitted site which has been subject to landfilling but which has not been restored in accordance with the terms of this conditional permission shall be restored to use for agriculture /nature conservation and woodland within eighteen months of the date of cessation and in accordance with a restoration scheme to be submitted for the prior approval of the Mineral Planning Authority. The scheme shall provide for:

- i. The removal of plant and equipment from the site
- ii. Backfilling of the quarry void and subsequent even grading of the site to achieve acceptable post restoration gradients having regard to advice contained in National Planning Practice Guidance
- iii. Plans indicating post restoration ground levels on the site by contour and cross section, areas to be restored to agricultural/nature conservation or woodland, and any hedges, walls or enclosure to be created on the site
- iv. Details for soil replacement including depths of subsoil and topsoil to be replaced.
- v. Relief of compaction and drainage arrangements
- vi. Details for the establishment of a grass sward on areas to be restored for agricultural use
- vii. Details for tree planting on areas to be restored to woodland including species of which at least 50% should be broadleaf, size of sapling, spacing, method of planting and means of protection and weed control.

Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Section 17 of the National Planning Policy Framework and National Planning Practice Guidance.

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY:

3. The existing site access road for its entire (200m) length shall be retained and maintained in accordance with the details approved pursuant to planning application no. 98/93299 drawing no. 98/132/100/001 Rev A until 30th December 2032.

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.

4. No loaded HGVs shall leave the site un-sheeted.

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.

5. The road drainage as approved pursuant to planning application no. 98/93299 drawing no. 98/132/100/001 Rev A shall at all times be maintained in accordance with the manufacturer's instructions until 30th December 2032.

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.

6. New additional wheel washing facilities in the form of a 'Drive Through Bath' or 'Enviro Wheel Wash', in accordance with the details submitted accompanying this application, as shown on the Garic brochure, shall be installed within three months from the date of this permission, in the location shown on drawing ref: 10179/05A Rev C Phase 1, or in an alternative location. Details of which shall first be submitted to and approved by the Mineral Planning Authority. Written verification shall be submitted to the Mineral Planning Authority on complete installation of the new wheel wash facility and thereafter all wheel washing facilities including the existing wheel wash facility shall be retained and maintained fit for purpose for the duration of this planning permission.

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.

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 vehicles (HGV's) to and from the site shall not exceed 30 in and 30 out per day.

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

WORKING PROGRAMME/ OPERATION OF THE SITE PHASING

9. Stripping and storage of soils and the extraction of minerals on the site shall only be carried out in accordance with the working scheme detailed in the supporting statement dated October 2019, approved drawing nos. 10179/01, 10179/02 and 10179/03. Landfilling operations at the site shall be carried out in the successive order of Phases shown on drawing nos. 10179/05A Rev C Phase 1, 10179/05B Rev C Phase 2, 10179/05C Rev C Phase 3, 10179/05D Rev B Phase 4, and subsequently restored in accordance with approved drawing nos. GK/T/4 and GK/T/6.

Reason: To ensure the restoration of the site on completion minimises its impact on the amenities and the characteristics of the surrounding development and sustains an appropriate after use in accordance with Policies LP37 of the Kirklees Local Plan, Sections 15 and 17 of the National Planning Policy Framework and the National Planning Practice Guidance.

10. No extraction of minerals shall take place below the New Hards Coal Seam shown on Environmental Statement drawings nos. S1116/3/5, S1116/4/4, and S1116/4/3, pursuant to the 98/93299 permission, and the immediately underlying fireclay seam associated with the New Hards Coal Seam.

Reason: To minimise the duration of disturbance, to safeguard the environment and to accord with Policy LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework and National Planning Practice Guidance.

11. No extraction of minerals shall take place outside the proposed limit of minerals extraction shown on the approved drawing no. EB/1C/98/01 pursuant to the 98/93299 permission. The overall slope of any residual quarry backwall on the site shall not exceed 55 degrees.

Reason: To minimise the duration of disturbance, to safeguard the environment and to accord with Policy LP36 of the Kirklees Local Plan and guidance in the National Planning Policy Framework and National Planning Practice Guidance.

PROTECTION OF AMENITY

12. 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 and LP52 and guidance in the National Planning Policy Framework.

13. Neither minerals or overburden shall be stockpiled above the levels shown on drawing no. 10179/03.

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

14. Within 3 months from the date of this permission, a surface water drainage system shall be installed to ensure fines arising from the workings of the site, are removed before outfall from the site and thereafter maintained until the duration of the planning permission. Written verification shall be submitted to the Mineral Planning Authority within one month of the installation of the drainage system and thereafter maintained for the duration of the planning permission.

Reason: To avoid pollution of watercourses and aquifers, in the interests of well being of people and the environment and to accord with Kirklees Local Plan Policies LP36 and LP52 and guidance in the National Planning Policy Framework.

LANDSCAPING (EXISTING)

15. All existing mature trees and shrub/vegetation as shown on drawing 10179/01 titled 'Scheme of Working' shall be retained at all times during the permitted development and shall not be lopped, topped or felled. Any trees/vegetation removed without consent, dying becomes damaged, diseased or fails as a result of operations permitted by this permission shall be replaced with new planting, details (i.e. numbers, size and species) of which shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter the approved planting scheme shall be planted in the subsequent planting season and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced on a like for like basis

Reason: In the interests of visual amenity, to ensure landscaped character of the area and to accord with Policies LP32 and LP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

RESTORATION

16. Prior to the commencement of backfilling operations using import waste, a detailed scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following details:

a) A programme/timetable for the replacement of restoration subsoil and topsoil which allows for the prior installation of landfill gas control and collection measures, if required and completion of initial accelerated subsidence in such circumstances up to a maximum period of 3 years

b) Interim restoration involving the establishment of grass cover during the period between the installation of landfill gas control and collection measures and the spreading of restoration soils on the site

c) On areas of the site to be restored for agricultural a minimum combined depth of 1 metre of topsoil, subsoil and selected overburden from the site shall be placed on any engineered cap or seal on the final waste deposit or alternatively, in the absence of requirement for such a cap or seal, placed directly on the final waste deposit.

d) On areas of the site to be restored for woodland a minimum of 1.5 metres of subsoil and subsoil forming materials shall be placed on any engineered cap or seal on top of the final waste deposit or in the absence of a requirement for such a cap or seal, placed directly on the final waste deposit.

e) The removal of the quarry/landfill site access and the reinstatement of the stone boundary wall along Liley Lane in accordance with drawing no. 10179/05D Rev B Phase 4.

f) The ripping of any compacted layers of final cover on the backfilled waste deposit, excluding any engineered cap or seal on the waste deposit, to ensure adequate drainage and aeration before spreading of topsoil

g) Details of machinery to be used in soil spreading operations

h) Final post settlement landform and surface restoration of the site shall accord with the finished contours shown on drawing nos. 10179/05A Rev C Phase 1, 10179/05B Rev C Phase 2, 10179/05C Rev C Phase 3, 10179/05D Rev B Phase 4

i) The layout and location of fields, hedges, fences and gates

j) The installation of artificial drainage

k) Grass seeding of areas to be reclaimed to agricultural land, and

l) Details (density/numbers and heights) of trees and shrubs which includes native species to be planted on the restored site.

Thereafter the site shall be reclaimed progressively in complete accordance with the approved scheme.

Reason: In the interest of minimising impact on the amenities of the local area and ensure the satisfactory restoration and beneficial use of the site after development, in accordance with Kirklees Local Plan Policy LP37 and guidance within the National Planning Policy Framework.

17. Any planting, seeding or tree management works forming part of the soft landscape proposals referred to in Condition 16 shall be carried out during the first planting, seeding or management season following the completion of each approved restoration phase and shall be maintained for a period of five years from the completion of planting works. All soft landscape proposals which fail within this period shall be replaced with like for like species.

Reason: In the interests of visual amenity and achieving a landscaped character in keeping with the area and to accord with Policies LP33 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

SOIL STRIPPING/CONSERVATION

18. All available topsoil and subsoil shall be stripped separately from any areas from which minerals are to be extracted or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads and other areas to be traversed by heavy machinery.

Reason: To ensure the retention of existing soils on site, to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

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

Reason: To minimise structural damage to soils and to aid in the site's final restoration and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework

20. Topsoil, subsoil and other soil making materials which are to be used to progressive restoration of the site, shall be stored according to their quality in separate mounds which do not overlap and in locations which have the prior agreement of the Mineral Planning Authority. No topsoil or subsoil shall be removed from the site. Once formed, all mounds in which soils are to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Local Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.

Reason: To minimise structural damage to soils and to aid in the site's final restoration and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

SITE MAINTENANCE

21. From commencement of the development until complete restoration of the site the following shall be carried out:

a) the maintenance of fences in stockproof condition between any areas used for development and any adjoining agricultural land

b) the retention of fencing around trees and hedgerows to be protected from the development

c) all areas including stacks of soil, overburden and infilling materials to be kept free of weeds and all necessary steps taken to destroy weeds at an early stage of growth to prevent seeding.

Reason: In the interests of local visual amenity and to minimise damage to soils, to aid in the site's final restoration and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework

SOIL REPLACEMENT DURING SITE RESTORATION

22. Wherever topsoil is to be spread it shall be cross-ripped to alleviate compaction and any stones (larger than 100 mm in any dimension) or other material capable of impeding normal agricultural or land drainage operations shall be removed.

Reason: To ensure the site is restored to a condition capable of agriculture and /or forestry use and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

23. The source/details of any imported soils or soil making materials shall be submitted to and approved in writing by the Mineral Planning Authority prior to being brought on site and used in restoration of the site.

Reason: To ensure the site is restored to a condition capable of agriculture and /or forestry use and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

24. Subsoil shall re- spread in layers not exceeding 450mm thickness. Each layer shall be cross-ripped to its full depth using a heavy duty subsoiling implement with winged tines set no wider than 600mm apart. Any sub soil type material or rock, boulder or stone larger than 150mm in any dimension shall be removed and taken off site.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

25. The topsoil shall be re-spread and cross- ripped to alleviate compaction. Any stone large than 10cm in any dimension shall be removed and taken off site.

After spreading the top soil all reasonable steps shall be taken to ensure that within the depth of topsoil and subsoil there is no:

- a) rock, boulder or stone, wire, cable or wire rope
- b) sterile material injurious to plant life
- c) excessively compacted zone.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

26. The spreading of subsoil and topsoil shall only be carried out when the material and the ground which it is to be placed on are in a dry and friable condition and in sufficient time for subsoiling, cultivation and seeding to take place under dry weather conditions following the completion of each restoration phase. The final soil profile shall be a minimum of 1 metre in depth over the area proposed to be used for agricultural purposes.

Reason: To ensure the restoration of the site is completed satisfactorily and for the site to be brought to a beneficial after use in accordance with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

27. Within three months of commencing restoration of the final top layer for each of the approved phases set out in condition no. 1, detailed drawings shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall show contouring within the site at sufficient intervals together with a record of the depth and composition of the reinstated soil profiles.

Reason: To ensure restoration is progressing in accordance with the approved details and for the site to be brought to a beneficial agriculture after use in accordance with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

AFTERCARE

28. 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. 16 and 22 to 26, to the required standard for use for agricultural and/or forestry shall be submitted for the approval of the Mineral Planning Authority, at least 3 months prior to completion of replacement of all restoration soils on any phase of the permitted development site and thereafter implemented.

Reason: To ensure the restored land is correctly managed and the proposed agriculture after use is established and brought to use in accordance with Kirklees Plan Policies LP36 and LP37 as well as guidance in the National Planning Policy Framework.

29. The aftercare scheme pursuant to condition no. 28 above, shall include and comprise:

a) An outline strategy, identifying who will be responsible for carrying out the aftercare, broadly outlining the steps to be carried out in the aftercare period of five years and a timeframe of the overall programme for all of the areas which shall be shown clearly demarcated on a plan along with management proposals and shall be submitted to the Mineral planning Authority, in a form consistent with the 'Restoration and aftercare of minerals sites' section of National Planning Practice Guidance

b) a detailed annual aftercare programme for each of the subsequent five years following completion of the restoration works. 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,

c) a final report during the final year of aftercare period, describing the Physical Characteristics of the whole site which demonstrates how the approved restoration and aftercare has been adhered to.

Reason: To ensure the restored land is correctly managed and the proposed agriculture after use is established and brought to use in accordance with Kirklees Plan Policies LP36 and LP37 as well as guidance in the National Planning Policy Framework.

30. Following compliance with Conditions 28 and 29 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 shall comply with the requirements identified in National Planning Practice Guidance. The approved scheme shall thereafter be fully implemented.

Reason: To ensure the restored land is correctly managed and the proposed agriculture after use is established and brought to use in accordance with Kirklees Plan Policies LP36 and LP37 as well as guidance in the National Planning Policy Framework.

31. Every year during the aftercare period, the developer shall arrange a site meeting to be held before 30th November to discuss the report prepared in accordance with Condition 30 above to

- (i) review progress to date;
- (ii) agree any remedial measures or improvements necessary;
- (iii) consider the detailed after care programme for the coming year;

At least four weeks prior to the date of each annual review, the applicant shall provide the Mineral Planning Authority with a detailed record of restoration and aftercare operations and management carried out in compliance with Conditions 16 and 28 above and proposed on the restored land during the period covered by the review. The applicant shall invite the following parties to the annual review meeting:

- a) The Mineral Planning Authority;
- b) The applicant and operator;
- c) all owners/tenants of land within the site;
- d) any restoration/after care sub-contractor retained by the applicant/operator;
- e) DEFRA;
- f) Natural England.

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.

PROTECTION OF AMENITY

Hours of working:

32. Except in the event of emergencies to maintain safe quarry working or when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Mineral Planning Authority is notified of the emergency within the following 24 hours,

- a) no operations other than water pumping, servicing, environmental monitoring and testing of planting shall be carried out at the site except between the following times:

07:00 – 18:00 hours

08.00 - 14.00 Saturdays

with no working at all on Sundays or Bank Holidays.

- b) no servicing, maintenance and testing of plant shall be carried out at the site between 22:00 and 07:00 hours on any day and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents, environmental conditions and to accord with Kirklees Local Plan Policies LP36 and LP52 as well as guidance in the National Planning Policy Framework.

BLASTING RESTRICTION

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

Reason: To protect the amenity of local residents, environmental conditions and to accord with Kirklees Local Plan Policies LP36 and LP52 as well as guidance in the National Planning Policy Framework.

NOISE

34. Noise produced by the operation of the site including backfilling with imported waste and restoration operations but excluding those activities referred to in condition no. 35 below shall not exceed a limit of 45 db(A) laeq (1 hour) Free Field) at the nearest noise sensitive property except at Nineveh south east of the site where it shall not exceed a limit of 47 db (A) Laeq (1 hour).

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

35. Noise produced by temporary operations including the construction and removal of the site access and screen bunds, soil stripping, and re-spreading shall not exceed 65db(A) Laeq (1 hour) Free Field at the nearest noise sensitive property and the duration of such activities shall not exceed 8 weeks in any period of 12 months.

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

DUST CONTROL

36. The site shall be operated in accordance with a dust suppression method statement which shall be submitted to and approved in writing by the Mineral Planning Authority within one month from the date of this permission. The method statement shall include details of how to deal with suppression of dust from all operations on the site including vehicular movements, excavation operations, mineral and overburden stockpiling, spreading and backfill of the site with imported waste. The details to be provided shall inter alia provide for:

- a) The suppression of dust caused by the moving and storage of soil and overburden, stone, waste and other materials within the site,
- b) The fitting of drilling rigs with efficient dust control measures,
- c) Dust suppression on haul roads,
- d) The provision of dust collection and storage facilities,
- e) The suspension of movement of soils, overburden and minerals and the deposit of waste backfill when the wind speed exceeds 20 metres per second,
- f) The sheeting of all loaded vehicles leaving the site,
- g) The drop heights when moving all friable and waste materials to be kept to a minimum,
- h) Appropriate surfacing and maintenance of access and haul roads to reduce dust emissions,
- i) Limiting traffic speeds within the quarry during dry windy conditions to 25kph maximum

- j) The direction of exhausts on vehicles operation on or entering the site to be such that exhaust gases cannot be emitted in a downward direction,
- k) The location, design and management of the stores, minerals, stockpiles and backfilled waste deposits to prevent windblow.

Reason: 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.

LITTER

37. In the event controlled waste is brought onto site, emissions of windblown litter shall be prevented in accordance with a scheme to be first submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include:

- a) Details of immediate covering of controlled waste deposited on the site with clean soil,
- b) Suspension of waste disposal treatment operations on the site when local wind speeds exceed 20 metres per second, and
- c) The regular recovery and disposal of any fugitive litter

Reason: 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.

WASTE RECYCLING/TREATMENT

38) Other than waste in association with the recycling & waste transfer station granted and implemented on under application no. 2015/91252, no other waste shall be stored, treated/recycled or re- exported from the site and the site shall not be used for storage of waste skips or containers or other plant and equipment.

Reason: 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.

LANDFILL GAS INSTALLATION

39) At least six months prior to backfilling of the excavated mineral void commencing with any waste likely to produce landfill gas, a scheme for the monitoring, control, collection and treatment of gas shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include:

- a) Details and plans at 1:200 scale showing the location of any proposed monitoring boreholes sunk to detect potential gas migration from the site,
- b) Details and plans at 1:200 scale showing the location of any proposed gas vents, gas wells and collection pipework, associated manifolds, flares or control stations to be installed and the depths of their installation,

c) Plans at an appropriate scale and details of the dimensions and the elevations of all items listed at b) above, which would be visible at or above ground level following final restoration of the backfilled site

d) Programme and details for the method of installation of the wells and collection pipework which shall be designed to:

- Minimise adverse impacts upon the restoration and subsequent after use of the site for agriculture and/or woodland. Details shall also include the types of plant and machinery to be used
- Prevent landfill gas issuing from boreholes, vents, wells, collection pipework or flares causing an odour nuisance for local residents

e) Proposals for the eventual decommissioning of gas wells, collection and treatment installations and the removal of all such installations to a depth of 0.5 metres from the site and restoration of the land affected

f) Details of access the proposed for servicing and maintenance and/or replacement of landfill gas monitoring, control, collection and treatment installations of the site.

Only land fill gas monitoring, collection, treatment and control installations which are in accordance with the approved scheme shall be provided on the site.

Reason: To safeguard the restoration of the site for agriculture and/or forestry after use and to protect the environment of the locality and minimise the likelihood of any contamination and to accord with Kirklees Local Plan Policies LP36, LP37 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

LEACHATE DRAINAGE INSTALLATIONS

40) Any above ground installations constructed on the site for the monitoring, collection, storage, treatment or transfer of leachate arising from the deposit of controlled waste on the site shall be in accordance with a scheme submitted for the prior approval in writing of the Mineral Planning Authority. The submitted scheme shall include:

a) Appropriately scaled plans, details showing the location, extent and external details and elevations of such installations

b) Details of the means of access for maintenance, servicing, and

c) Indicate how long such installations may be required to remain in situ, and

d) Include proposals for the removal of such installations when no longer required and the restoration details of the land

Reason: To safeguard the restoration of the site for agriculture and/or forestry after use and to protect the environment of the locality and minimise the likelihood of any contamination and to accord with Kirklees Local Plan Policies LP36, LP37 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

WATER PROTECTION AND POLLUTION PREVENTION

41. 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of the 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 pipes outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Policies LP34, LP36 and LP52 as well as guidance within Sections 15 and 17 of the National Planning Policy Framework.

42. No extraction or temporary storage of materials shall take place within 1 metre of any watercourse. Under no circumstances shall tipped material enter any water course or culvert.

Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Policies LP34, LP36 and LP52 as well as guidance within Sections 15 and 17 of the National Planning Policy Framework.

ARCHEOLOGY

43. The Mineral Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site and given reasonable opportunity to inspect and record it prior to continuation of works on site.

Reason: To ensure that any unrecorded artefact or feature of archaeological or geological interest is sufficiently protected and to accord with Section 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Advance landscaped proposals	GK-T-4		05/11/2019
Outline restoration	GK-T-6		05/11/2019
Supporting Statement	Dated October 2019		15/10/2019
Scheme of working	10179/01		15/10/2019
Restoration Scheme	10179/02		15/10/2019
Cross-Sections	10179/03		15/10/2019
Revised Restoration Scheme Phase 1 -	10179-05A Rev C		20/02/2023
Revised Restoration Scheme Phase 2 -	10179-05B Rev C		20/02/2023
Revised Restoration Scheme- Phase 3 -	10179-05C Rev C		20/02/2023
Revised Restoration Scheme- Phase 4 -	10179-05D Rev B		20/02/2023
HGV's traffic movement/route details	Dated 14 December 2022		14/12/2022
Traffic route plan	15/02/2023		14/12/2022
New wheel wash facility details	Garic's Brochure		17/04/2020

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 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. Negotiations were undertaken with the applicant to secure amended plans/details and further information was sought to address a number of matters raised during the course of the application. The above conditions were also agreed to by the Applicant/Agent.

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 an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- 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/appeal-planning-decision>
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: 31-May-2023

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 2019/70/93371/E0.

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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
