



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93644/E

To: Nick Leaney,
Aardvark EM Ltd
Higher Ford
Wiveliscombe
Taunton
TA4 2RL

For: Boom Power

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:-

ERECTION AND OPERATION OF GRID-CONNECTED SOLAR PHOTOVOLTAIC FARM TO SUPPLY UP TO 49.9MW, WITH ANCILLARY INFRASTRUCTURE AND LANDSCAPING AND BIODIVERSITY ENHANCEMENTS

At: LOW FARM, WAKEFIELD ROAD, FLOCKTON, HUDDERSFIELD, WF4 4BB

In accordance with the plan(s) and applications submitted to the Council on 14-Sep-2021, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the first commercial export of any electricity from the site, the developer shall submit a Notice of Export to the Local Planning Authority, stating the date on which export of electricity from the site to the national grid is to first take place. The planning permission that is hereby granted is a temporary permission which will expire 40 years from the date on which first export of electricity from the site to the national grid takes place. Thereafter the land shall be restored to its former agricultural use, in accordance with the Decommissioning Method Statement approved pursuant to condition 4.

Reason: The serving of a Notice of Commencement is required so that the end date for the 40-year temporary permission will be known and recorded. The temporary period of 40-years is that which was proposed in the application (Planning Statement section 2.5 and Design and Access Statement section 5.3). To comply with the aims and guidance of Policy LP26 of the Kirklees Local Plan, and that within Chapters 13 and 14 of the National Planning Policy Framework.

4. a) Prior to the first commercial export of electricity from the site, an Outline Decommissioning Method Statement (ODMS) shall be submitted to, and approved in writing by, the Local Planning Authority. The ODMS shall detail how all equipment on site is to be removed (including access tracks and any underground structures, posts or cables), how the land is to be returned to its former condition (excluding ecological habitat), and how this is to be conducted so as to avoid disturbing biodiversity within the site.

b.) Within 9 months following the date on which the site has ceased to be in continuous use for energy generation, or within a period of 39 years and 6 months following the first export date, pursuant to condition 3, a Decommissioning Method Statement (DMS) which builds upon information contained within the approved Outline Decommissioning Method Statement (ODMS) shall be submitted to, and approved in writing by, the Local Planning Authority.

c.) Decommissioning of the site for energy generation, as agreed in the Decommissioning Method Statement, shall be fully implemented no later than one year following the expiry of the temporary planning permission, pursuant to condition 3, or no later than one year following the date on which the site has ceased to be in continuous use for energy generation (whichever is the sooner).

Reason: In the interests of the visual amenity of the site, and to ensure that no environmental harm is caused during decommissioning, and to ensure that any impact that the development might have on the openness of the Green Belt or on neighbouring heritage assets (which might be justified so long as the solar farm is in operation) would cease when it is no longer in use; to comply with the aims and guidance of Policy LP26 of the Kirklees Local Plan, and that within Chapters 13 and 14 of the National Planning Policy Framework. Part a) of the condition is justified in requiring submission prior to the first use (rather than towards the end of the 40-year period) because in the event that the solar farm was to cease operating prematurely there would be a requirement under Part b) to remove the equipment in accordance with the approved Decommissioning Statement - hence the need to approve that document at an early stage.

5. Prior to development commencing, the following details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority:

a) Detailed landscape plans indicating full planting specification, including; layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, hedgerow species and density, double staggered rows etc. including extensive use of native species.

b) Identify which areas of landscaping are specifically being installed to mitigate the harm identified within the Glint and Glare Assessment.

c) Landscape Management Plan required including details of initial aftercare and long-term maintenance for a minimum of 15 years. This should include any new proposed planting and screening, existing trees and vegetation retained on site, plus management of any fencing and gates.

d) Timetable and phasing of the landscape implementation, demonstrating that works are aligned with the proposed phasing of development.

e) Persons responsible for implementing the works.

f) Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first fifteen years from completion.

The development shall thereafter be implemented in accordance with the approved details, in accordance with approved timetable and phasing arrangements. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of highway safety, residential amenity, local ecological value and visual amenity, and to accord with Policies LP21, LP24, LP30, LP32, LP33, LP47 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, to ensure the necessary mitigation measures are sufficiently detailed and implemented prior to the proposal causing harm.

6. Notwithstanding the submitted details, prior to development commencing, a schedule of the means of access to the site for construction traffic (a Construction Management Plan (CMP)) shall be submitted to, and approved in writing, by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. It shall also include details of a site manager and point of contact for residents in the event of any issues arising through the construction process. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the nature of the site and local road network, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.

7. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties. It shall include full details of:

- a) The methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) Measures to control the emissions of dust and dirt during construction;
- c) Measures to control noise and vibration arising from all construction related activities. This should include suitable restrictions on the hours of working on the site including times of deliveries, the details of which should be provided;
- d) Details of routing and signage for construction traffic;
- e) Details of any artificial lighting to be used in connection with all construction related activities and security of the construction site;
- f) The location of any site compound and plant equipment/storage (including materials);
- g) The location for contractor parking;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- i) A Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j) Details of a site manager and point of contact in the event of any issues arising through the construction process;

k) Details of how this CEMP will be made publicly available by the developer

The approved details for each phase shall be implemented at the commencement of work on site for that phase and shall thereafter be retained and employed until completion of works on site for that phase. The CEMP shall be made publicly available for the lifetime of the construction phases of the development in accordance with the approved method of publicity.

Reason: To safeguard the amenities of the occupiers of nearby properties and the wider environment, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.

8. Prior to development commencing (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, The Local Planning Authority. The CEMP: Biodiversity shall include the following.

a) Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers, invasive plant species and reptiles.

b) Identification of “biodiversity protection zones”, where appropriate.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.

f) Responsible persons and lines of communication.

g) Use of protective fences, exclusion barriers and warning signs, where appropriate.

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

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to secure the appropriate measures prior to construction which could result in immediate harm.

9. Prior to development commencing, a scheme to eradicate invasive non-native species within the site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include a timetable of works for treatment. Thereafter the identified invasive non-native species shall be treated and removed in accordance with the approved details, including the timetable of works.

Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction which could result in spread of the plants.

10. Prior to development commencing, an Arboricultural Method Statement with Tree Protection Plan in accordance with British BS5837 shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature and protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

11. Prior to development commencing, in accordance with the recommendations contained within the hereby approved Arboricultural Impact Assessment, details of the intended location of where access roads will be formed using a cellular containment system shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: So as to protect to viability of the protected mature and protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

12. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 further groundworks shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

16. Prior to development commencing, a scheme of intrusive site investigations relating to Coal Mining Risk, shall be carried out on site to establish the risks posed to the development by past coal mining activity. Thereafter, a remediation strategy to address any identified land stability issues arising from coal mining, shall be submitted to, and approved in writing by, the Local Planning Authority. This should include the submission of the approved layout plan to illustrate the actual position of the recorded mine entries, if found present and calculated no build exclusion zones of each mine entry within influencing distance of the site. Remediation of the shall thereafter take place in accordance with the approved details.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

17. Prior to the first commercial export of electricity from the site, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable in relation to Coal Mining Legacy for the approved development shall be submitted to, and approved in writing by, the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

18. Prior to development commencing within a given parcel, the parcel's access improvements and sightlines as shown in Appendix B and Appendix C of the Transport Assessment shall be implemented and made ready for use. The sightlines shall thereafter be retained in accordance with the approved details.

Reason: In the interest of securing safe access, to preserve the effective and efficient operation of the Highway, in accordance with Policy LP21 of the Kirklees Local Plan.

19. Prior to development commencing within areas 2_D and 2_E, as shown on plan titled 'Overview - Coal mining activity AG1581' within the hereby approved Low Farm Geophysical Investigation rev. 2 report, a written scheme of archaeological investigation (WSI) shall be submitted to, and approved in writing by, the Local Planning Authority. The WSI shall include the statement of significance and research objectives, and:

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

Reason: In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the NPPF. This is a pre-commencement condition (within the given areas) to ensure appropriate investigation and mitigation prior to potentially harmful construction works.

20. Prior to development commencing within areas 2_D and 2_E, as shown on plan titled 'Overview - Coal mining activity AG1581' within the hereby approved Low Farm Geophysical Investigation rev. 2 report, an archaeological evaluation and design response document covering these areas shall be submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the submitted plans, the design response shall include consideration of appropriate footings, framing for solar panels, cabling routes, trackways and / or the reasonable omission of works within these parts of the site, in response to the archaeological findings. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the NPPF. This is a pre-commencement condition (within the given areas) to ensure appropriate investigation and mitigation prior to potentially harmful construction works.

21. Prior to development commencing, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall provide a minimum increase of 97.5% in habitat units on site and 21.5% in hedgerow units in accordance with the details outlined within the Biodiversity Metric 3.0 dated 13/06/2022. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Details on the establishment of the habitats on the site;

- f) Type and source of materials to be used where appropriate, e.g., native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long-term maintenance;
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter

Reason: To ensure and detail how the proposal will secure, and then deliver the proposed ecological net gain which adds weight in favour of the proposal when considering Very Special Circumstances within the Green Belt; to ensure compliance with Policies LP26 and LP30 of the Kirklees Local Plan, and the requirements of Chapters 13, 14, and 15 of the National Planning Policy Framework.

22. Prior to the installation of any solar panels, a strategy to deliver interim glint and glare mitigation shall be submitted to, and approved in writing by, the Local Planning Authority. This shall detail how the proposal's High (After Visibility Analysis) impacts, as detailed within the Glint and Glare Assessment, will be mitigated prior to the landscaping buffer reaching a height of 2.0m and include details on the timing of any screening's installation and removal. Thereafter the development shall operate in accordance with the approved strategy.

Reason: In the interest of residential amenity and highway safety, to ensure the impacts of the proposal are managed in the short to medium term, before the long-term screening is erected, in accordance with Policies LP21, LP24, and LP52 of the Kirklees Local Plan.

23. Prior to the erection of any fencing, notwithstanding the submitted details, a strategy for the inclusion of badger holes / gate (or suitable alternative) with each parcel's perimeter fencing shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the fencing shall be installed and maintained in accordance with the approved details.

Reason: To prevent harm to local ecology, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

24. Notwithstanding the submitted plans, prior to the installation of any CCTV equipment or system, including poles to which they are to be fixed, a CCTV strategy which details the exact location of the proposed CCTV equipment, its specification and height, shall be submitted to, and approved in writing by, the Local Planning Authority. The CCTV shall be installed in accordance with the approved details.

Reason: To protect the openness of the Green Belt by ensuring an appropriate balance between security and preventing an inundation of equipment within the Green Belt. To comply with the aims and guidance of Policy LP26 of the Kirklees Local Plan, and that within Chapters 13 and 14 of the National Planning Policy Framework.

25. Notwithstanding the submitted plans, prior to the installation of any permanent and fixed external lighting, an External Lighting Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The External Lighting Strategy shall include:

- a) The proposed hours of operation of the lighting.
- b) The location and specification of all of the luminaires.
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site.
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

Thereafter the lighting shall be installed and thereafter operate in accordance with the approved details. No other fixed external lighting shall be installed.

Reason: In the interest of visual amenity, residential amenity, ecology, and preserving the openness of the Green Belt, through ensuring appropriate assessment and control over light and light pollution, to comply with Policies LP24, LP30, and LP52 of the Kirklees Local Plan, and Chapters 13 and 14 of the National Planning Policy Framework.

26. Notwithstanding the submitted plans, prior to the installation of any shipping containers and/or other temporary structures intended to host or store equipment, details of the shipping containers and/or other temporary structures' external colour shall be submitted to, and approved in writing by, the Local Planning Authority. The temporary structures shall be installed and thereafter retained in accordance with the approved details.

Reason: To ensure that the containers blend in with the landscape, and that they do not detract from character or the visual amenity, to comply with Policy LP24 of the Kirklees Local Plan, and Chapters 13 and 14 of the National Planning Policy Framework.

27. Prior to the first commercial export of electricity from the site, an Educational Strategy shall be submitted to and approved in writing by the Local Planning Authority, setting out what measures are to be provided to inform and educate the general public and school pupils on the principles of renewable energy generation and nature conservation that pertain to this development.

Reason: To ensure that the very special circumstances which justify granting of temporary planning permission on this Green Belt site, and the substantial public benefits that outweigh the less than substantial harm to neighbouring designated heritage assets, will (considered cumulatively with other benefits of the development) include the provision of educational benefits to residents of the borough and to school pupils and to comply with the aims and guidance of Policy LP26 of the Kirklees Local Plan, and that within Chapters 13 and 14 of the National Planning Policy Framework.

28. Prior to the first commercial export of electricity from the site, a Grazing Management Plan (GMP) shall be submitted to the Local Planning Authority. The GMP shall detail which parts of the site are to be used for the grazing of livestock, during which months of the year, what livestock are to be grazed there, and it shall set out details of how the grazing is to be managed. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval, and shall not be carried out except in accordance with that approval.

Reason: To ensure that, during the temporary 40-year period in which the site is used for the generation of renewable energy, part of it may remain in use as agricultural (grazing) land, thereby deriving multiple benefits from this rural land, pursuant to paragraph 120(a) of the National Planning Policy Framework (2021).

29. No solar panels or fencing shall be erected within the Ancient Woodland 15m buffer zone, in accordance with the details and recommendations contained within the hereby approved Arboricultural Impact Assessment.

Reason: So as to protect to viability of the protected mature and protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

30. No solar panels shall be erected / installed within the 'Cricket Pitch Buffer', as shown on plan ref. 'B001.1 Rev. 5.1'.

Reason: To ensure no conflict between neighbouring sport uses and the proposed development, in accordance with Policies LP26 and LP47 of the Kirklees Local Plan.

31. No vegetation removal (including ground vegetation clearance) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

32. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time at Existing

Sensitive Receptors. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

33. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access to water infrastructure, for maintenance and repair work at all times.

34. The hereby approved development shall operate with a Power Plant Controller (PPC) system, as detailed in the email dated 6th of July 2022, and the site shall be limited to an export capacity of 49.9MW.

Reason: To ensure the development falls within the limitations of the permission and in accordance with the Planning Act 2008 (as amended).

Note: Detail of Archaeological Work

Details of the necessary archaeological work, in the form of a specification, will be provided to the developer, on written request, by the WY Archaeology Advisory Service in our capacity as Kirklees' advisors on archaeological matters. The WY Archaeology Advisory Service will also be responsible for monitoring the work of the archaeological contractor commissioned by the developer to undertake this work, on behalf of the Planning Authority. From the 1st of April 2011 in accordance with the agreement of the Council Committee that oversees our work the WY Archaeology Advisory Service will charge the developer for these and concomitant services. Please note that the production of a specification may take up to three working weeks from receipt of a written request. It is in the applicant's interest that they be made aware of this likely timescale.

The WY Archaeology Advisory Service can also provide a list of archaeological contractors who may be available to tender for the work. For further information please contact: David Hunter, West Yorkshire Archaeology Advisory Service: 01135 350 300

The developer is advised that a reasonable period of time for the execution of the necessary archaeological work must be allowed for within the overall site timetable.

Note: Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone XX (i.e. E0 to E4).

Note: Recommended working times

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Note: Public Rights of Way

The following public footpaths are adjacent to the development site:

- KIR/103/40
- KIR/103/30
- KIR/103/20
- KIR/104/20
- KIR/104/30
- KIR/103/60
- KIR/103/50
- KIR/43/10
- KIR/42/10

All Public Rights of Way must not be interfered with or obstructed, prior to, during or after development works. The Council’s public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The PROW team is now based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: Highways

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Ownership

Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	2112/D001.1	Rev. v.c	24.09.2021
Location Plan	2112/D001.2	Rev. v.c	24.09.2021
Location Plan	2112/D001.3	Rev. v.c	24.09.2021
Block Plan	B001.1	Rev. 5.1	05.07.2022
Proposed Elevations	B002	Rev. 1.0	24.09.2021
Block Plan	B004	Rev. 1.3	24.09.2021
Proposed Elevations	B005	Rev. 1.0	24.09.2021
Grouped Plans and Elevations	B007	Rev. 1.0	24.09.2021
Block Plan	B008	Rev. 1.0	24.09.2021
Proposed Elevations	B101	Rev. 1.0	24.09.2021
Block Plan	B104	Rev. 1.0	24.09.2021
Proposed Elevations	B105	Rev. 1.0	24.09.2021
Proposed Site Sections	B107	Rev. 1.0	24.09.2021
Proposed Elevations	B112	Rev. 1.2	10.06.2022
Proposed Elevations	B114	Rev. 1.0	24.09.2021
Proposed Site Sections	B115	Rev. 1.0	24.09.2021
Proposed Elevations	B116	Rev. 1.0	24.09.2021
Proposed Elevations	B117	Rev. 1.0	24.09.2021
Proposed Site Sections	B119	Rev. 1.0	24.09.2021
Proposed Elevations	B120	Rev. 1.2	10.06.2022
Proposed Elevations	B121	Rev. 1.0	24.09.2021

Plan Type	Reference	Version	Date Received
Existing Site Levels	3135NGLS_01 3135NGLS_02 3135NGLS_03 3135NGLS_04 3135NGLS_05 3135NGLS_06 3135NGLS_07 3135NGLS_08 3135NGLS_09 3135NGLS_10		28.10.2021
Block Plan	Map 1, Phase 1 Habitat Survey	Rev. 01	24.09.2021
Supporting Information	Education Board		24.09.2021
Supporting Information	Landscape and Ecology Enhancement Plan	Rev. C	05.07.2022
Supporting Information	Planning Statement	R003	24.06.2022
Supporting Information	Indicative section of No Dig access track with timber edging		24.06.2022
Supporting Information	Landscape and Visual Impact Assessment	1.7	13.06.2022
Supporting Information	Ecological Impact Assessment	WOR 2786.3	10.06.2022
Supporting Information	Southwest Archaeology letter dated 22.02.2022		09.03.2022
Supporting Information	Net Gain Calculations		17.06.2022
Supporting Information	Arboricultural Impact Assessment		10.06.2022
Supporting Information	Noise Impact Assessment	P06	10.06.2022
Supporting Information	Construction Traffic Management Plan	P06	10.06.2022
Supporting Information	Transport Assessment	P01.06	10.06.2022
Supporting Information	Geophysical Investigation	Final/2	09.03.2022
Supporting Information	Aardvark letter dated 12.11.2021		12.11.2021
Supporting Information	Great Crested Newt Surveys		28.10.2021
Supporting Information	Statement of Community Involvement		24.09.2021
Supporting Information	Agricultural Land Assessment		24.09.2021

Plan Type	Reference	Version	Date Received
Supporting Information	Results of a Heritage Assessment		24.09.2021
Supporting Information	Perimeter Deer Fencing (Specification)		24.09.2021
Supporting Information	Substation palisade fencing (Specification)		24.09.2021
Supporting Information	Substation entrance gates (Specification)		24.09.2021
Supporting Information	Flood Risk Assessment & Drainage Strategy	P04	24.09.2021
Supporting Information	Design and Access Statement	R004	24.09.2021
Supporting Information	Smart Transformer Station		24.09.2021
Supporting Information	Jinko module TR 550-570W		24.09.2021
Supporting Information	Huawei inverter SUN2000-185KTL-H1		24.09.2021
Supporting Information	Data sheet storage container		24.09.2021
Supporting Information	Glint and Glare Assessment		24.09.2021
Supporting Information	Preliminary Phase 1 Geo-environmental Assessment and Preliminary Coal Mining Risk Assessment		24.09.2021

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.

Officers sought clarification on several matters along with amendments to the proposal. Matters subject to negotiations included, amongst others, the Green Belt, location of panels, highways and drainage. Clarifications, further details, and amendments were provided by the applicants, allowing officers to be supportive of the proposal.

In accordance with the delegation agreement the application was presented to the Strategic Planning Committee on the 14th of July 2022, where members resolved to support the application, subject to conditions and notifying the Secretary of State of the Council's intent to support the proposal, in accordance with The Town and Country Planning (Consultation) (England) Direction 2021 made under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 N0 595). The Secretary of State responded, confirming their intention not to exercise their call-in powers.

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 Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".**
- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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/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: 24-Aug-2022

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 planning applications and decisions' and by searching for application number 2021/62/93644/E .

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
