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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/90168/E0

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

For: D Watson, PMW Quarries 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 CONDITION 4 (TIME LIMIT) ON PREVIOUS PERMISSION 2000/90671 FOR EXTENSION OF CARR HILL QUARRY INCLUDING THE EXTRACTION OF SANDSTONE AND CLAY, ASSOCIATED ANCILLARY ACTIVITIES AND ITS RESTORATION BY MEANS OF INFILL WITH INERT WASTES

At: CARR HILL QUARRY, BARNSLEY ROAD, UPPER CUMBERWORTH, HUDDERSFIELD, HD8 8XG

In accordance with the plan(s) and applications submitted to the Council on 18-Jan-2022 [together with those plans and application(s) submitted to the Council on 18-Jan-2022 and incorporated into planning permission 2000/90671 granted on 31-Aug-2000 and subject to the condition(s) specified hereunder:-

1. [no condition – deleted as development commenced, subsequent to planning permission 2000/90671]

2. [no condition – deleted as development commenced, subsequent to planning permission 2000/90671 and all mineral has been exhausted from site]

3. From the commencement of the development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.
Reason: For the avoidance of doubt and to ensure that the site is operated in accordance with the requirements of this planning permission.

DURATION
4.The site shall be restored in accordance with details approved pursuant to planning permission 2022/93465, no later than 31st August 2027
Reason: To ensure the satisfactory completion of mineral extraction and subsequent restoration of the site within an acceptable period of time.

PRIOR CESSATION
5. In the event of cessation of winning and working of minerals and the deposit of waste material prior to the achievement of the completion of the approved scheme, which in opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised restoration scheme to include details of reclamation and aftercare and a timetable for implementation, shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the cessation of winning and working. The approved revised restoration scheme shall be fully implemented within the approved timetable.
Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Section 17 of the National Planning Policy Framework and National Planning Practice Guidance.

ACCESS
6. The sole means of vehicular access and egress from the site shall be from Barnsley Road as indicated on drawing CH004(REVISION 1).
Reason: To ensure the access road is constructed with due regard to highway safety and local environment.

7. No operations except the construction of the access shall be carried out on the site until the site access road has been constructed in accordance with the details of a scheme to be submitted for the prior written approval of the Mineral Planning Authority. The access shall be constructed in complete accordance with the details of the approved scheme.
Reason: To ensure the access road is constructed with due regard to highway safety and local environment.

8. The surfacing of the site access shown on the approved plan referred to in Condition 7 above shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare.
Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

9. No commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

10. A drainage system shall be installed and maintained to ensure that no slurry or water from the permitted area flows onto the public highway.
Reason: In the interests of highway safety and to prevent water getting on the highway.

11. The areas shown for parking on approved drawing CH004 Revision 1 shall be kept clear of all obstructions to such use and shall not be used for the erection of buildings.
Reason: In the interests of the amenity of local residents and highway safety.

12. No loaded lorries shall leave the site un-sheeted except those only carrying stone in excess of 500cm.
Reason: In the interests of highway safety and safeguarding the local environment.

13. Vehicles serving the site shall only be parked, loaded or unloaded within the permitted boundary of the site and/or planning permission 87/62/05723 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of local residents and highway safety.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING
14. Prior to development commencing on the site a scheme shall be submitted for the approval in writing of the Mineral Planning Authority which indicates the means of enclosure and gates proposed on the site.
Reason: In the interest of the visual amenity of local residents.

15. The stripping and storage of soils and overburden and the extraction and storage of minerals on the site shall be carried out in accordance with the details of a scheme to be submitted for the written approval of the Mineral Planning Authority within 3 months of the date of this permission.
Reason: To enable the Mineral Planning Authority to adequately control the development and to minimise its impact upon the amenities of the local area.

16. No extraction of mineral shall take place below the base of the Greenmoor Rock.
Reason: To minimise the risk of pollution of watercourses and 22 acquifers.

17. No excavation shall take place closer than 20 metres to the limit of the planning permission area in the vicinity of Barnsley Road and Penistone Road as shown on approved drawing CH003 Revision 1. Unless otherwise agreed in writing by the Mineral Planning Authority work on site shall only proceed according to the details of a geotechnical report which shall be submitted for the prior written approval of the Mineral Planning Authority within 6 months of the date of this permission which indicates the measures to be adopted to ensure the stability of land adjacent to the area indicated with a blue line on approved drawing CH003 revision 1 land with particular reference to the land supporting the public highways Barnsley Road (A635) and Penistone Road (A629) and which shall include a calculated minimum slope for site conditions.
Reason: To ensure that the development is contained within its permitted boundaries to avoid effects on surrounding land and to avoid affecting the restoration or subsequent after use of the site.

18. Unless otherwise agreed in writing by the Mineral Planning Authority the total amount of mineral and waste material leaving and entering the site shall not exceed a level of 75,000 tonnes per annum over a period of 17 years starting from the date production commences and over each subsequent year the amount of mineral and waste material leaving and entering the site shall not exceed 120,000 tonnes per annum
Reason: In the interests of highway safety and safeguarding the local environment.

19. From the date of this permission the operators shall maintain records of their monthly production and import of waste material and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 24 months.
Reason: In order that the Minerals Planning Authority can monitor the output of the site.

20. Prior to crushing plant or an hydraulic stone breaker being brought on to the site a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the location and screening of the crushing plant and hydraulic stone breaker. Such scheme shall refer inter alia to;
(1) The crushing plant being located at the lowest practical level in the quarry at all times.
(2) The whole of the crushing plant and associated plant always being located below the Ordnance Datum level of 275 metres.
(3) Screening measures to be adopted to minimise the production of noise from the crushing plant.
(4) The use of noise suppression measures within the plant.
(5) Minimising the fall height of materials loading and leaving the crusher.
(6) The location of the hydraulic stone breaker at the lowest point of the operational quarry face.
Reason: In the interests of the amenity of local residents.

WATER PROTECTION AND POLLUTION PREVENTION
21. Only clean uncontaminated rock, subsoil, brick rubble or ceramic shall be permitted as infill material. Such material as timber, paper, plasterboard or any other material capable of producing a polluting leachate shall not be permitted as infill material.
Reason: To minimise the risk of pollution of watercourses and aquifers

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

SOIL STRIPPING
23. The Mineral Planning Authority shall be given at least 48 hours notice (excluding Sundays and Bank Holidays) of any intended phase of topsoil or subsoil stripping, such works to proceed only subject to their approval.
Reason: To allow the Mineral Planning Authority to record the progress on site, enable monitoring that the approved works are being carried out within the approved timescale

24. All available topsoil and subsoil shall be stripped from any areas to be excavated or infilled, or to be used for the stationing of any plant and buildings, the storage of overburden or infilling material, haul roads and other areas to be traversed by heavy machinery.
Reason: So as not to damage the soil quality to be used in the restoration of the site

25. The stripping and movement of topsoil and subsoil 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: So as not to damage the soil quality to be used in the restoration of the site to complete the development for a beneficial after use.

26. Topsoil, subsoil or other soil making materials which have been approved for progressive restoration, shall be stored according to their quality in separate mounds that do not overlap. Once formed, all mounds in which soil is 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 Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.
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.

27. No topsoil, subsoil or overburden mounds shall project more than 2 metres above natural ground level.
Reason: In the interests of the amenity of the local area.

28. No topsoil or subsoil shall be removed from the site. The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of such materials, the location of each mound and indicate on an annual basis the soil materials for restoration purposes recovered and stored. These should, prior to completion of landfill, balance the proposed depth of the soil profile to be replaced following restoration.
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.

29. Unless otherwise agreed in writing by the Local Planning Authority soil shall not be stripped from any area of land more than 12 months in advance of mineral being extracted from that area of the site.
Reason: To ensure the site is reclaimed to a condition capable of beneficial use for agricultural and/or forestry.

RESTORATION
30. Prior to commencing works to carry out the approved revised restoration of the site, monitoring and inspection details verifying that the slope has performed the way it has been modelled (in the submission documents) shall be submitted to the Mineral Planning Authority, in accordance with the recommendation of the ARP Geological and Geotechnical assessment dated 28/07/2022. Thereafter the working and restoration of the site shall be carried out and completed in accordance with the following:

- Layout/restoration Plan ref: 10158B-02E
- Landscape Details ref: R-2261-1G
- Retaining Wall Sections -sheet 1 – ref: 2276-01-DR-S-1010_P2
- Retaining Wall Sections – sheet 2 – ref: 2276-01-DR-S-1011_P2
- Retaining Wall Sections – sheet 3 – ref: 2276-01-DR-S-1012_P1
- Retaining Wall Sections – sheet 4 – ref: 2276-01-DR-S-1013_P1
- Retaining wall details – ref: 2276-01-DR-S-1050_P1
- Retaining Wall General Arrangement - ref: 2276-01-DR-S-1000_P1.

The soft landscaping shown on drawing 'Landscape ref: R-2261-1G' shall be completed within 12 months from the completion of backfill, spreading of topsoil, formation of levels and contouring as shown on drawing Layout/restoration Plan ref; 10158B-02E. In the event, monitoring and inspection details verifying that the slope has not performed the way it has been modelled, works shall not commence until proposed revisions to the restoration scheme together with accurate updated Geological and Geotechnical details have been submitted to and approved in writing by the Local Planning Authority. Restoration shall thereafter be carried out in accordance with the approved details.
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.
See footnote below in relation to condition 30

31. Any tree or shrub planted in accordance with Condition 30, which becomes damaged, diseased or fails within the first 4 years after planting shall be replaced in the next available tree planting season (between 1 November and 31 March).
Reason: To ensure satisfactory restoration of the site when development is completed to a beneficial after use and to accord with Kirklees Local Plan Policies LP32 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

32. No trees within or on the boundary of the site shall be felled, topped of lopped except with the prior written approval of the Mineral Planning Authority.
Reason: To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial after use and in the interests of the amenity of the local residents.

33. Prior to work commencing on the site a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the surface drainage of the site. Such drainage system shall be implemented when the reinstated land has settled sufficiently for the work to be effectively undertaken.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

SOIL REPLACEMENT DURING RESTORATION
34. Prior to placement of subsoil the surface on which it is to be placed shall be ripped to alleviate compaction and any stones or other materials capable of impeding normal agricultural or land drainage operations shall be removed.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

35. The source of any imported soils shall be made known to the Mineral Planning Authority and should be available for inspection and approval for 48 hours prior to being brought onto the site.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

36. Subsoil and soil making materials shall be spread in layers not exceeding 45cm thickness, each layer shall be cross-ripped to its full depth using a heavy duty subsoiling implement with winged tines set no wider than 60 cm apart. Any non-subsoil type material or rock; boulder or a stone larger than 15cm in any dimension shall be removed from the surface and not buried within the respread subsoil.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

37. All available topsoil shall be respread and cross ripped to alleviate compaction. Any stone larger than 10cm in any dimension shall be removed from the surface and taken away. After spreading the topsoil all reasonable steps shall be taken to ensure that within the depth of topsoil and subsoil there is no:
(a) rock, boulder or stone, or other material capable of damaging, impeding or turning a plough
(b) wire, cable or wire rope
(c) sterile material injurious to plant life
(d) excessively compacted zones
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

38. The spreading of subsoil and topsoil shall only be carried out when the material and the ground on which it is to be placed are in a dry and friable condition and in sufficient time for subsoiling, cultivation and reseeding to take place under normal weather conditions generally before the end of September.
Reason: To ensure the site is reclaimed to a condition capable of & beneficial use for agricultural and/or forestry.

39. Within 3 months of the restoration of the final top layer, the developer shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site, together with a record of the depth and composition of the reinstated soil profiles.
Reason: To ensure the site is reclaimed to a condition capable of beneficial use for agricultural and/or forestry.

PROTECTION OF AMENITY
40. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority within 60 hours) or unless the Mineral Planning Authority has agreed otherwise in writing:-
(a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times
0730 hours and 1800 Monday to Friday; and 0730 hours and 1300 Saturdays;
(b) no servicing, maintenance and testing of plant shall be carried out at the site except between 0730 and 2200 hours on any day and at no time on Sundays or public holidays.
(c) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or Bank or National Holidays.
Reason: To protect the amenities of local residents.

41. There shall be no blasting on the site.
Reason: To protect the amenities of local residents.

42. Noise produced by operations shall not exceed a limit of 53dB LAeq (1 hour)(freefield) at any noise sensitive property in the area.
Reason: To protect the amenities of local residents.

43. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use effective silencers.
Reason: To protect the amenities of local residents.

DUST

44. No development shall take place until a scheme and programme of the measures for the suppression of dust, has been submitted to and agreed in writing by the Mineral Planning Authority. Unless otherwise agreed in writing by the Mineral Planning Authority, the scheme submitted for approval shall provide for, inter alia;
(a) The suppression of dust caused by the movement, transport and storage of stone, soils and overburden, the transport, deposit, transfer and any other operation involved in the handling and deposit of waste on the site, and the movement and storage of any other materials.
(b) Use of water bowsers for the suppression of dust.
(c) All plant used on the site to have upward facing exhausts.
(d) Heavy plant to be equipped with radiator deflector plates.
(e) Suspension of the movement of minerals, soils, overburden and the deposit of waste on site when the local wind speed exceeds 20 metres per second and is blowing in the direction of any residential premises within 1000 metres of the area of operation.
(f) Use of efficient dust suppression or collection equipment on any drilling rig used on the site.
(g) Provision and use of effective means for the prevention of the deposition of mud and other materials on the road.
The approved scheme shall be implemented and complied with at all times.
Reason: To protect the amenities of local residents.

45. The site shall not be used for the storage of waste skips or containers.
Reason: To protect the amenities of local residents.

46. No waste material shall be burnt within the boundaries of the site and a fire on the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.
Reason: To protect the amenities of local residents.

PREVENTING LIGHT POLLUTION

47. The details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the Mineral Planning Authority. These details shall include: height of the floodlight posts, intensity of the lights (specified in Lux), spread of light including appropriate light spillage to the rear of the floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated.
Reason: To protect the amenities of local residents.

PERMITTED DEVELOPMENT RIGHTS

48. 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 protect the amenities of local residents

AFTERCARE

49. An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the site reclaimed under Condition nos. 4 and 30 to the required standard for use for amenity woodland and/or agriculture shall be submitted for the approval of the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development site and thereafter implemented. Thereafter the approved aftercare scheme shall be fully implemented.
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use.

50. The aftercare scheme submitted in accordance with Condition no.49 above shall comprise;

- a detailed annual programme for the first year of aftercare
- details identifying who would be responsible for carrying out the aftercare,
- broadly outline the steps to be carried out in the aftercare period, and their timing within the overall programme,
- include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals

Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

51. Following compliance with Condition 49 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 restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

52. 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 Conditions 49, 50 and 51 above, and review progress to date, agree any further remedial measures or improvements necessary to be under the aftercare programme for the coming year. The following parties shall be invited to the site meeting:
(a) The Mineral Planning Authority
(b) The operator
(c) All owners/tenants of land within the site
(d) Any restoration/aftercare sub-contractor retained by the applicant/operator
(e) The Forestry Commission
(f) DEFRA
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use to comply with the requirements identified in National Planning Practice Guidance.

ARCHAEOLOGY AND GEOLOGY

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

Reason: To enable sites of archaeological interest to be adequately investigated and recorded.

NOTE: Conditions 3, 5 to 29 and conditions 31 to 53 inclusive (i.e. those conditions that have not been sought for variation as part of this application) were originally imposed on approval of 2000/90671. They are reproduced (with minor changes, as required) on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged. Where the details pursuant to the above conditions in accordance with planning permission 2000/90671 have already been submitted for discharge and approved by the Mineral Planning Authority and there is no change to the details required by that condition, a further discharge of condition application pursuant to this application reference will not be necessary.

NOTE: Any information submitted in relation to condition 30, which requires assessment by an independent qualified person/engineer outside the Council will be at the cost of the applicant.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Drawings and documents previously approved under application 2000/62/90671/E0, as amended by subsequent approvals and documents listed in this schedule			Pursuant to planning permission 2000/62/90671/E0
Layout/restoration Plan, pursuant to condition 30 of planning permission 2022/93465	10158B-02E		10/05/2023
Landscape Details, pursuant to condition 30 of planning permission 2022/93465	R-2261-1G		10/05/2023
Retaining Wall Sections -sheet 1, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1010_P2		31/01/2023
Retaining Wall Sections -sheet 2, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1011_P2		31/01/2023
Retaining Wall Sections -sheet 3, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1012_P1		31/01/2023
Retaining Wall Sections -sheet 4, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1013_P1		31/01/2023
Retaining wall details, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1050_P1		24/10/2022
Retaining Wall General Arrangement, pursuant to condition 30 of planning permission 2022/93465	2276-01-DR-S-1000_P1		24/10/2022
Revised supporting statement, pursuant to condition 30 of planning permission 2022/93465	Dated October 2022		02/02/2023
Existing container details, pursuant to condition 30 of planning permission 2022/93465			31/03/2023

Large Rigid Tipper -vehicle swept path (for information only) , pursuant to condition 30 of planning permission 2022/93465	2059 102 rev F		31/01/2023
Supporting Information (1 page from Principal Geotechnical Engineer) , pursuant to condition 30 of planning permission 2022/93465	Dated 22/12/2022		09/01/2023
ARP Geological and Geotechnical assessment	Dated 28/07/2022, by Dr J. Davey		26/10/2022
Stability Analysis Investigation report and geotechnical design report, pursuant to condition 30 of planning permission 2022/93465	Dated 25/02/2020 (V4)		26/10/2022
ARP Geotechnical slope stability detailed sections, pursuant to condition 30 of planning permission 2022/93465	18 pages		24/10/2022
Plan 1 (S106 drawing) pursuant to condition 30 of planning permission 2022/93465			31/01/2023

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. Formal agreement has also been sought from the applicant to the rewording of conditions 4 and 30 as set out above.

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

Development within a Coal Mining Area

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

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

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

Appeals to the Secretary of State

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

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

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

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/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: 13-May-2024

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 2022/70/90168/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
