

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91093/W
Site Address:	Land adj, March Haigh Reservoir, Off Blake Lea Lane, Marsden, Huddersfield, HD7 6NJ
Description:	Construction of permanent vehicular access track and the erection of fencing (within a site of special scientific interest)
Recommending Officer:	Ellie Thornhill

DECISION – S106 Full Permission- Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 21.06.24

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 3rd August 2023

Application Number: 2023/91093

Officer Recommendation: Approve

Committee Decision: Approve

Conditions and Reasons

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 Policies LP1, LP2, LP21, LP23, LP24, LP27, LP28, LP30, LP32, LP34, LP35, LP36, LP37, LP38, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The track shall be constructed from Millstone Grit, sourced from Buckton Vale Quarry and once installed shall be retained thereafter.

Reason: In the interests of visual amenity and to protect the openness of the green belt and the setting of the European designated sites, in accordance with Policies LP24 and LP32 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

4. The development shall be carried out in accordance with the Construction Traffic Management Plan by Bently Construction, reference LX26, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

5. Upon completion of the construction works, any final highway remediation works shall be submitted to and approved in writing by the Local Planning Authority. The works approved shall be undertaken within one month of approval.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

6. The development shall be carried out in complete accordance with the Written Scheme of Investigation dated June 2023, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development would preserve any archaeological features found during the construction phase, in accordance with Policy LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. The gates to restrict unauthorised access shall be installed before the track is first brought into use and shall be kept locked at all times, other than when the track is in use. The gates shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety and to protect the character and setting of the green belt and landscape, in accordance with Policies LP21 and LP32 and Chapters 8, 12, 13 of the National Planning Policy Framework.

8. The development shall not be carried out other than in strict accordance with the Construction Environmental Management Plan (CEMP). All relevant measures detailed in the CEMP (dated June 2023), including (but not limited to) monitoring of breeding bird location and activity by a suitably qualified Ecologist; ECoW toolbox talk; maintenance of a stripped vegetation corridor along the construction route; and temporary visual screening should be strictly adhered to at the site.

Reason: In the interest of biodiversity and to protect the setting of the European designated sites during construction, to accord with Policies LP30 and LP32 of the Kirklees Local Plan and aims of the National Planning Policy Framework.

9. The development shall not be carried out other than in strict accordance with the Operation and Maintenance (O&M) Manual.

Reason: In order to protect biodiversity, the setting of the green belt and the European designated sites in accordance with Policies L24 and LP32 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

10. The development shall not be carried out other than in strict accordance with the Biodiversity Mitigation and Management Plan. All relevant measures including (but not limited to) the creation of acid grassland along the track edge and the inclusion of suitable seed mix for twice in acid grassland creation areas and their management, should be strictly adhered to at the site.

Reason: In the interest of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. A restoration scheme shall be submitted and agreed in writing with the Local Planning Authority, in the event that any part of the track is removed/no longer required. The restorative works shall be undertaken in strict accordance with those agreed.

Reason: In order to protect biodiversity, the setting of the green belt and the European designated sites and to safeguard minerals in accordance with

Policy LP30, LP32, LP37 and LP38 of the Kirklees Local Plan and Chapters 12, 13 and 17 of the National Planning Policy Framework.

12. Upon completion of the construction works, a full structural dilapidation survey of existing highway retaining walls along Blake Lea Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Local Planning Authority for approval. Any defects which may have arisen due to heavy traffic associated with the proposed development shall be made good to the satisfaction of the Local Planning Authority within one month of completion of the construction phase.

Reason: In the interests of highway safety, to ensure that the development would not impact upon the structural stability of the local highway network in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

13. The replacement culverts shall be carried out in complete accordance with the approved plan Typical Cross Sections Illustrative Watercourse Details Sheet 1 of 1 reference 10058105-ARC-GEN-ZZ-DS-HE-00003 rev C01 and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: Public footpaths COL/195/40, COL/195/30, COL/195/20 and COL/196/20 are within or adjacent to the development site and 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 on 01484 221000 or by email on publicrightsofway@kirklees.gov.uk .

NOTE: The PROW crossing and steps work would likely require a short period of a Temporary Traffic Regulation Order to implement the works. More details and contact information can be found on the link below.

[Request a road closure | Kirklees Council](#)

Summary of Committee Decision (if applicable)

Members considered the scheme acceptable and voted to support the scheme in accordance with Officer recommendation.

Additional information has been submitted during the S106 process, to omit any pre commencement conditions. The conditions have therefore been updated accordingly on the decision notice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	10058105 ARC GE ZZ DR CE 00011	P04	11 th April 2023
Planning Statement	-	-	11 th April 2023

Plan Type	Reference	Version	Date Received
with Design and Access details			
Heritage Impact Assessment	Report dated 14 th March 2023	-	11 th April 2023
Climate Change statement	-	-	11 th April 2023
Justification appendix – Lessons from historical dams	SC080046/R1	-	11 th April 2023
Justification appendix 2 – National Protocol	Dated June 2018	-	11 th April 2023
Construction Traffic Management Plan	By Bentley	-	11 th April 2023
Archaeological Desk-Based Assessment	3936	-	11 th April 2023
Flood Risk Assessment	10058105-ARC-EWE-ZZ-TH-CW-00001	-	11 th April 2023
Justification for a Permanent Access Track	-	-	11 th April 2023
Justification Document Appendix 1 – Toddbrook Reservoir	By the Environment Agency		11 th April 2023
Operation and Maintenance Manual	-	-	11 th April 2023
Site Waste Management Plan	By Bentley	-	11 th April 2023
Statement of Community Involvement	-	-	11 th April 2023
Drainage and Surface Water Strategy	10058105_ARC_GEN-ZZ_TN_DE_00001	-	11 th April 2023
Waste Management standards	-	-	11 th April 2023
Appendix 1 2 March Scoping Opinion	-	-	11 th April 2023
Appendix 9 1 Location of PROWs	-	-	11 th April 2023
Appendix 3 1 General Arrangement	10058105 ARC GEN ZZ DR CE 00011	P04	11 th April 2023
Appendix 3 1a General Arrangement	10058105 ARC GEN ZZ DR CE 00008	P04	11 th April 2023
Appendix 3 1b General Arrangement	10058105 ARC GEN ZZ DR CE 00009	P03	11 th April 2023
Appendix 3 1c General Arrangement	10058105 ARC GEN ZZ DR CE 00010	P04	11 th April 2023
Construction	-	P02	11 th April 2023

Plan Type	Reference	Version	Date Received
Management Traffic Plan			
Justification document appendix 4a	10058105 ARC GEN ZZ DR CE 00008	P04	11 th April 2023
Justification document appendix 4b	10058105 ARC GEN ZZ DR CE 00009	P02	11 th April 2023
Justification document appendix 4c	10058105 ARC GEN ZZ DR CE 00010	P04	11 th April 2023
Cross Section 1 of 6	10058105 ARC GEN ZZ DR CE 00016	P02	11 th April 2023
Cross Section 2 of 6	10058105 ARC GEN ZZ DR CE 00017	P02	11 th April 2023
Cross Section 3 of 6	10058105 ARC GEN ZZ DR CE 00018	P02	11 th April 2023
Cross Section 4 of 6	10058105 ARC GEN ZZ DR CE 00019	P02	11 th April 2023
Cross Section 5 of 6	10058105 ARC GEN ZZ DR CE 00020	P02	11 th April 2023
Cross Section 6 of 6	10058105 ARC GEN ZZ DR CE 00021	P02	11 th April 2023
General arrangement 1 out of 3	10058105 ARC GEN ZZ DR CE 00008	P04	11 th April 2023
General arrangement 2 out of 3	10058105 ARC GEN ZZ DR CE 00009	P03	11 th April 2023
General arrangement 3 out of 3	10058105 ARC GEN ZZ DR CE 00010	P04	11 th April 2023
Indicative Culvert design	10058105 ARC GEN ZZ DR CE 00023	P03	11 th April 2023
Typical Cross Sections (pavement)	10058105 ARC GEN ZZ DR CE 00024	P02	11 th April 2023
Appendix 7 Phase 1 and NVC Survey Report	Dated August 2021 (updated November 2022)	-	11 th April 2023
Appendix 7 The Fungi of March Haigh Reservoir	Dated November 2021	-	11 th April 2023
Appendix 8 Hydrology and Peat Report	Dated December 2021 (updated November 2022)	-	11 th April 2023
Appendix 1 EIA Scoping Report	Dated November 2022	-	11 th April 2023
Appendix 6 LVIA Views	Dated 14.03.23	-	11 th April 2023
Appendix 3 Biodiversity Metric 3.1	-	-	11 th April 2023
Environmental Statement Volume 1:	Dated April 2023	-	11 th April 2023

Plan Type	Reference	Version	Date Received
Main Text			
Environmental Statement Volume 3: Non-technical summary	Dated April 2023	-	11 th April 2023
Stock fence elevation	BW-040-007 March Haigh Stock Fencing-Drawing 002	-	9 th May 2023
Fence details	BW-040-007 /001	-	9 th May 2023
Gate and stock fence elevations	BW-040-007 March Haigh Stock Fencing-Drawing 002	-	15 th May 2023
Long section 1 of 4	10058105 ARC GEN ZZ DR CE 00012	P01	25 th May 2023
Long section 2 of 4	10058105 ARC GEN ZZ DR CE 00013	P01	25 th May 2023
Long section 3 of 4	10058105 ARC GEN ZZ DR CE 00014	P01	25 th May 2023
Long section 4 of 4	10058105 ARC GEN ZZ DR CE 00015	P01	25 th May 2023
Existing PROW sketch	10058105 ARC GENZZ DS HE 00001	P01	15 th June 2023
Location plan	10058105 ARC GENZZ DR CE 00011	P04	15 th June 2023
Appendix 3a General arrangement	10058105 ARC GENZZ DR CE 00008	P04	15 th June 2023
Shadow Habitat Regulations Assessment	Dated April 2023 (updated June 2023)	-	19 th June 2023
Baseline Breeding Bird Survey Report	Dated June 2023	-	19 th June 2023
Baseline Habitat and Peat Depth Mapping Report	Dated June 2023	-	19 th June 2023
Written Scheme of Investigation for an Archaeological Watching Brief	Dated June 2023	-	11 th July 2023
Biodiversity Mitigation and Management Plan	Dated July 2023	-	25 th July 2023
Baseline Habitat and Peat Depth Mapping Report	Dated June 2023	-	31 st July 2023
Biodiversity Net Gain Assessment	Dated March 2023 (updated June 2023)	-	31 st July 2023
Blake Lea Lane Condition Survey	By Bentley Construction	-	11 th October 2023
Samples of stone	-	-	6 th October 2023

Plan Type	Reference	Version	Date Received
(Millstone Grit)			
Construction Environmental Management Plan (CEMP)	Dated June 2023 (Updated October 2023)		19 th October 2023
Plan to show the existing PROW crossing the track including proposed levels (sheet 1 of 2)	10058105 ARC GEN-ZZ DS HE 00001	C01	20 th October 2023
General arrangement (sheet 1 of 3)	10058105 ARC GEN-ZZ-DR-CE-00008	C03	20 th October 2023
PROW Risk Assessment	10058105-ARC-GHS-ZZ-TH-CE-00003	P01	20 th October 2023
Public Footpath Pedestrian Safety document	Unreferenced by the Canal & Rivers Trust	-	20 th October 2023
Typical cross sections for culvert replacement (sheet 1 of 1)	10058105 ARC GEN-ZZ-DS-HE-00003	C01	20 th October 2023
Plan to show the existing PROW crossing the track including proposed levels (sheet 2 of 2)	10058105 ARC GEN-ZZ-DS-HE-00002	P01	20 th October 2023
Construction Traffic Management Plan	LX26	-	14 th December 2023
Photographic Record of Blake Lea Lane Highway Retaining Walls	2023s1333	-	23 rd February 2024

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. In this instance, amended plans and additional information has been sought during the course of the application.

Report Dated: 14/06/2024

