



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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

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**Application Number: 2023/62/91093/W**

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To: Nick Wild,  
Canal & River Trust  
National Waterways Museum, South Pier Road  
Ellesmere Port  
CH65 4FW

For: NICK WILD, CANAL & RIVER TRUST

**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:-**

**CONSTRUCTION OF PERMANENT VEHICULAR ACCESS TRACK AND THE  
ERECTION OF FENCING (WITHIN A SITE OF SPECIAL SCIENTIFIC  
INTEREST)**

At: LAND ADJ, MARCH HAIGH RESERVOIR, OFF BLAKE LEA LANE, MARSDEN,  
HUDDERSFIELD, HD7 6NJ

**In accordance with the plan(s) and applications submitted to the Council on  
11-Apr-2023, 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 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 twite 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](mailto: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](#)

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	10058105 ARC GE ZZ DR CE 00011	P04	11th April 2023
Planning Statement with Design and Access details	-	-	11th April 2023
Heritage Impact Assessment	Report dated 14th March 2023	-	11th April 2023
Climate Change statement	-	-	11th April 2023
Justification appendix – Lessons from historical dams	SC080046/R1	-	11th April 2023
Justification appendix 2 – National Protocol	Dated June 2018	-	11th April 2023
Construction Traffic Management Plan	By Bentley	-	11th April 2023
Archaeological Desk-Based Assessment	3936	-	11th April 2023
Flood Risk Assessment	10058105-ARC-EWE-ZZ-TH-CW-00001	-	11th April 2023
Justification for a Permanent Access Track	-	-	11th April 2023
Justification Document Appendix 1 – Toddbrook Reservoir	By the Environment Agency		11th April 2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Operation and Maintenance Manual	-	-	11th April 2023
Site Waste Management Plan	By Bentley	-	11th April 2023
Statement of Community Involvement	-	-	11th April 2023
Drainage and Surface Water Strategy	10058105_ARC_GEN-ZZ_TN_DE_00001	-	11th April 2023
Waste Management standards	-	-	11th April 2023
Appendix 1 2 March Scoping Opinion	-	-	11th April 2023
Appendix 9 1 Location of PROWs	-	-	11th April 2023
Appendix 3 1 General Arrangement	10058105 ARC GEN ZZ DR CE 00011	P04	11th April 2023
Appendix 3 1a General Arrangement	10058105 ARC GEN ZZ DR CE 00008	P04	11th April 2023
Appendix 3 1b General Arrangement	10058105 ARC GEN ZZ DR CE 00009	P03	11th April 2023
Appendix 3 1c General Arrangement	10058105 ARC GEN ZZ DR CE 00010	P04	11th April 2023
Construction Management Traffic Plan	-	P02	11th April 2023
Justification document appendix 4a	10058105 ARC GEN ZZ DR CE 00008	P04	11th April 2023
Justification document appendix 4b	10058105 ARC GEN ZZ DR CE 00009	P02	11th April 2023
Justification document appendix 4c	10058105 ARC GEN ZZ DR CE 00010	P04	11th April 2023
Cross Section 1 of 6	10058105 ARC GEN ZZ DR CE 00016	P02	11th April 2023
Cross Section 2 of 6	10058105 ARC GEN ZZ DR CE 00017	P02	11th April 2023
Cross Section 3 of 6	10058105 ARC GEN ZZ DR CE 00018	P02	11th April 2023
Cross Section 4 of 6	10058105 ARC GEN ZZ DR CE 00019	P02	11th April 2023
Cross Section 5 of 6	10058105 ARC GEN ZZ DR CE 00020	P02	11th April 2023
Cross Section 6 of 6	10058105 ARC GEN ZZ DR CE 00021	P02	11th April 2023
General arrangement 1 out of 3	10058105 ARC GEN ZZ DR CE 00008	P04	11th April 2023
General arrangement	10058105 ARC GEN	P03	11th April 2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
2 out of 3	ZZ DR CE 00009		
General arrangement 3 out of 3	10058105 ARC GEN ZZ DR CE 00010	P04	11th April 2023
Indicative Culvert design	10058105 ARC GEN ZZ DR CE 00023	P03	11th April 2023
Typical Cross Sections (pavement)	10058105 ARC GEN ZZ DR CE 00024	P02	11th April 2023
Appendix 7 Phase 1 and NVC Survey Report	Dated August 2021 (updated November 2022)	-	11th April 2023
Appendix 7 The Fungi of March Haigh Reservoir	Dated November 2021	-	11th April 2023
Appendix 8 Hydrology and Peat Report	Dated December 2021 (updated November 2022)	-	11th April 2023
Appendix 1 EIA Scoping Report	Dated November 2022	-	11th April 2023
Appendix 6 LVIA Views	Dated 14.03.23	-	11th April 2023
Appendix 3 Biodiversity Metric 3.1	-	-	11th April 2023
Environmental Statement Volume 1: Main Text	Dated April 2023	-	11th April 2023
Environmental Statement Volume 3: Non-technical summary	Dated April 2023	-	11th April 2023
Stock fence elevation	BW-040-007 March Haigh Stock Fencing- Drawing 002	-	9th May 2023
Fence details	BW-040-007 /001	-	9th May 2023
Gate and stock fence elevations	BW-040-007 March Haigh Stock Fencing- Drawing 002	-	15th May 2023
Long section 1 of 4	10058105 ARC GEN ZZ DR CE 00012	P01	25th May 2023
Long section 2 of 4	10058105 ARC GEN ZZ DR CE 00013	P01	25th May 2023
Long section 3 of 4	10058105 ARC GEN ZZ DR CE 00014	P01	25th May 2023
Long section 4 of 4	10058105 ARC GEN ZZ DR CE 00015	P01	25th May 2023
Existing PROW sketch	10058105 ARC GENZZ DS HE 00001	P01	15th June 2023
Location plan	10058105 ARC GENZZ DR CE 00011	P04	15th June 2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Appendix 3a General arrangement	10058105 ARC GENZZ DR CE 00008	P04	15th June 2023
Shadow Habitat Regulations Assessment	Dated April 2023 (updated June 2023)	-	19th June 2023
Baseline Breeding Bird Survey Report	Dated June 2023	-	19th June 2023
Baseline Habitat and Peat Depth Mapping Report	Dated June 2023	-	19th June 2023
Written Scheme of Investigation for an Archaeological Watching Brief	Dated June 2023	-	11th July 2023
Biodiversity Mitigation and Management Plan	Dated July 2023	-	25th July 2023
Baseline Habitat and Peat Depth Mapping Report	Dated June 2023	-	31st July 2023
Biodiversity Net Gain Assessment	Dated March 2023 (updated June 2023)	-	31st July 2023
Blake Lea Lane Condition Survey	By Bentley Construction	-	11th October 2023
Samples of stone (Millstone Grit)	-	-	6th October 2023
Construction Environmental Management Plan (CEMP)	Dated June 2023 (Updated October 2023)		19th 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	20th October 2023
General arrangement (sheet 1 of 3)	10058105 ARC GEN-ZZ-DR-CE-00008	C03	20th October 2023
PROW Risk Assessment	10058105-ARC-GHS-ZZ-TH-CE-00003	P01	20th October 2023
Public Footpath Pedestrian Safety document	Unreferenced by the Canal & Rivers Trust	-	20th October 2023
Typical cross sections for culvert replacement (sheet 1 of 1)	10058105 ARC GEN-ZZ-DS-HE-00003	C01	20th October 2023
Plan to show the existing PROW crossing the track	10058105 ARC GEN-ZZ-DS-HE-00002	P01	20th October 2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
including proposed levels (sheet 2 of 2)			
Construction Traffic Management Plan	LX26	-	14th December 2023
Photographic Record of Blake Lea Lane Highway Retaining Walls	2023s1333	-	23rd 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.

**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.**

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.**

**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 21-Jun-2024

**Signed:**



**David Shepherd  
Strategic Director Growth and Regeneration**

### **Application Plans**

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required, please email:

[dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

or telephone 01484 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

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