

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2023/44/91185/E
Site Address:	Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB
Description:	Discharge of condition 19 (Archaeological Investigations) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancement
Recommending Officer:	Nick Hirst

DECISION – Discharge of Condition – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 26-Jun-2023

Application: 2023/44/91185/E

Site: Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB

Proposal: Discharge of condition 19 (Archaeological Investigations) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancement

Assessment

Condition 19 (Archaeological Investigations)

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.*

The submitted details have been sent to West Yorkshire Archaeology Advisory Service (WYAAS) who have reviewed them and provided comments. WYAAS confirm that the details provided are sufficient to discharge the first part of the condition, namely the submission of the written scheme of archaeological investigation (WSI) requirement.

However, the condition has multiple phases. It states that “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”, with “this” referring to *The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material*. Therefore, a partial discharge, as recommended by WYAAS, may be issued.

Recommendation: Approve partial discharge of condition.

Report Dated: 26/06/2023

Proposed Letter Text

Condition 19 (Archaeological Investigations)

You have provided the document titled "Specification for A Post Determination Archaeological Evaluation by Trial Trenching at Low Farm, Flockton, West Yorkshire" pursuant to condition 19.

Condition 19 is a multi-part condition, with the first step requiring:

- 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 submitted document is considered sufficient to discharge the initial requirement of the condition, as detailed above. However, to achieve compliance with the condition, the works need to be undertaken in accordance with the hereby approved details. Should this transpire to be unachievable, due to unexpected constraints or the discovery of further archaeological works being identified as necessary (as noted as being possible within sections 5.2 and 13.2 of the submitted report), you will be required to submit an updated document to re-discharge this part of the condition.

Officers are unable to discharge the second part of the condition at this time, specifically:

- *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*

Accordingly, condition 19 is hereby part discharged, but the above-referenced requirement remains and, for the avoidance of doubt, must be resolved '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 as stipulated within the condition.