Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91949/E0

To: Mark Smedley,
MPG Ltd.
Oakdene House
Cottingley Business Park
Bingley
BD16 1PE

For: PHILLIP POULTER, NAYLOR INDUSTRIES PLC

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:-

EXTENSION TO EXISTING QUARRY TO EXTRACT MINERAL AND SUBSEQUENT RESTORATION BY MEANS OF IMPORTATION OF INERT WASTES/MATERIALS

At: PEACE WOOD QUARRY, HUDDERSFIELD ROAD, SHELLEY, HUDDERSFIELD, HD8 8LH

In accordance with the plan(s) and applications submitted to the Council on 18-Jul-2023, subject to the condition(s) specified hereunder:-

TIME LIMITS:

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 extraction of all minerals shall cease, plant, machinery and all equipment shall be removed and the restoration of the site to agriculture / woodland shall be carried out and completed by 31/12/2043.
Reason: In the interests of visual amenity, the openness of the Green Belt, and to ensure the landscape proposals integrate well with the surrounding local amenity and character of the area, in accordance with Policies LP36 and LP37 of the Kirklees Local Plan and the National Planning Policy Framework.

PLANS:

3. The development hereby approved shall be carried out in complete accordance with the approved plans and supporting documents except as stated otherwise in conditions listed below which shall in all cases take precedence.
Reason: To enable the Mineral Planning Authority to adequately control the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site after development.

4. In the event of cessation of mineral extraction / land filling operations prior to the completion of the approved restoration land levels a revised reclamation scheme for use of the site as agriculture / woodland (that shall include details of restoration, aftercare and a timetable for implementation) shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the permanent cessation. The scheme shall provide for:

a) Backfilling of the quarry void and details of subsequent even grading of the site to achieve acceptable post-restoration gradients;
b) Plans indicating post-restoration ground levels on the site by contour and cross section details, and tree/hedge planting, walls or enclosure to be created on the site;
c) Replacement of stored overburden, removal of screen mounds, and details for soil replacement including depths of subsoil and topsoil to be replaced;
d) Details for the establishment of a grass sward of the whole site to be restored for agricultural use / amenity woodland;
e) A post-restoration drainage scheme; and
f) A time table for the implementation of all of the above works.

Thereafter the approved revised reclamation 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 Kirklees Local Plan Policies LP36 and LP37 and the National Planning Policy Framework.

5. 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.

6. The working, restoration and aftercare of the site shall be carried out in accordance with the following schemes and plans:

- SQ/0922/PA-01, Rev V5 – Existing site layout, with levels/contours;
- SQ/0922/PA-03, Rev V5 – Phase 1, Extraction Design;
- SQ/0922/PA-04, Rev V5 – Phase 2, Extraction Design;
- 320/1 - Ext – 3, Rev 6.0 – Phasing, location of bunds & extraction areas;
- SQ/0922/PA-06, Rev V5 – Cross Sections (Maximum Excavation Plan);
- SQ/0922/PA-05, Rev V5 – Restoration design (land levels/contours);
- 320/1 - Restoration – 2 Rev 6.0 – Soft Landscaping;and
- supporting statement produced by MPG ref: 320/1-R1.1, dated 31/05/2023

except as stated otherwise in conditions listed below which shall in all cases take precedence.
Reason: To enable the Mineral Planning Authority to adequately monitor the development, minimise its impact on the amenities of the local area and ensure the beneficial use of the site on completion, in accordance with Kirklees Local Plan Policy LP37 and the National Planning Policy Framework.

ACCESS AND VEHICULAR MOVEMENTS:

7. The sole means of vehicular access and egress from the site shall be via the existing access shown on drawing SQ/0922/PA-01, Rev V5–Existing site layout, dated September 2022.
Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.

8. The maximum number of heavy goods vehicle (HGV) trips to and from the site shall not exceed 60 (60 in and 60 out) on any single day, and no more than 30 (30 in and 30 out) on Saturdays. The totals stipulated in this condition are cumulative and include the HGVs using the site entrance (in and out) under the permission 2017/93602 for the existing operational quarry to the north of the site.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

9. The rate at which mineral is extracted and exported from the site shall not exceed 1200 tonnes per day Monday to Friday, and 650 tonnes on Saturdays.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

10. Daily records of the number of HGVs using the site entrance shall be kept for the lifetime of this permission and shall be made available to the Mineral Planning Authority within three days of a written request.
Reason: To enable the Mineral Planning Authority to adequately monitor the development in the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

11. Only HGVs with a 20 tonne payload capacity shall be used to export minerals from the site.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

12. All commercial vehicles leaving the application site shall have their wheels and chassis cleaned before they enter the public highway.
Reason: In the interests of the free and safe use of the highway and to prevent material being deposited on the access road or highway in accordance with Kirklees Local Plan Policies LP21 and LP36.

13. All loaded HGVs leaving the site shall have their loads sheeted.
Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework

14. The existing quarry access road shall be retained and maintained in a condition fit for purpose for the duration of this planning permission in accordance with the details indicated on drawings ST14014-001 and ST14014-002 as approved under discharge of conditions application 2016/44/93050/E0.
Reason: In the interest of highway safety and to accord with Policies LP21 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.

PROTECTION OF WATERCOURSES:

15. Before the development commences a scheme regarding the following matters shall be submitted to, and approved in writing by, the Mineral Planning Authority:

- The storage of hazardous materials, chemicals, oil and / or fuels;
- The use of the above at the site, for example for plant maintenance, including locations where this would be carried out; and
- The provision of road and wheel cleaning facilities.

The scheme where necessary, shall be supported by detailed calculations and shall include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained in accordance with the approved timing / phasing arrangements during the lifetime of the development or any details as may subsequently be approved in writing by the Mineral Planning Authority
Reason: To ensure the proposed development, including mineral extraction, does not harm the water environment in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure measures to protect the water environment are approved at an appropriate stage of development.

16. The development shall be carried out in accordance with the drainage proposals in accordance with the details / mitigation measures set out in the following documents:

- Supporting Statement prepared by the Mineral Planning Group Ltd, reference 320/1 version 1.1 dated 31/05/2023; and
- Drainage Strategy prepared by Waterco, referenced 14760-Drainage Strategy02, dated 21/12/2022.

Reason: To avoid impact or changes in adjacent springs and to not pose a significant threat to the water environment in the immediate area, in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework.

17. There shall be no dewatering of the site and no interruptions to ground or surface water flows without the written consent of the Mineral Planning Authority.
Reason: To ensure that the proposal does not harm groundwater resources in accordance with the National Planning Policy Framework.

See footnote / guidance below from the Environment Agency re: dewatering

PREPARATORY WORKS/SOIL STRIPPING:

18. The development shall be carried out in complete accordance with the recommendations and mitigations set out in section 4 of the Preliminary Ecological Appraisal Report, dated 22/12/2022, including for the preparatory works to prevent any potential impact to hedgehogs as set out in paragraph 4.3.10 of the Preliminary Ecological Appraisal Report.
Reason: In the interests of ecology, visual amenity and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

19. Screening mounds using the stripped topsoil and subsoil (to be stored separately and so as not to overlap) with a maximum height of 3m shall be constructed in accordance with details set out in the accompanying supporting statement and as shown on drawing reference 320/1- Ext-3, Rev 6.0 – 'Phasing, location of bunds & extraction areas', prior to the extraction of mineral from any phase of the development and thereafter stored until required for restoration purposes.
Reason: To protect a scarce resource, in the interests of visual amenity, to safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

20. The Mineral Planning Authority shall be given at least seven days notice in writing of any intended phase of topsoil or subsoil stripping. Soil stripping shall thereafter proceed only subject to the approval of the Mineral Planning Authority
Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring of the approved works being carried out within the approved timescale and to accord with the National Planning Policy Framework.

21. No plant or vehicles shall cross any areas of unstripped areas of the site except for the purposes of stripping operations. The full depth of topsoil and subsoil on existing agricultural land within the application site shall be stripped separately prior to the removal of overburden or mineral from each phase of working. The stripped soils shall be stored separately in areas identified on a plan with details of an estimate of the quantity of soils (topsoil and subsoil) to be submitted to and approved in writing by the Mineral Planning Authority.
Reason: So as not to damage the quality of the soil to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

22. The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid smearing and compaction and to ensure all available soil resources are recovered.
Reason: So as not to damage soil quality, to ensure the retention of existing soils for restoration purposes and to accord with Kirklees Local Plan Policy LP37 and Section 17 of the National Planning Policy Framework.

23. The surface and slopes of soil storage mounds shall be evenly graded and seeded, with a grass sward established, and thereafter regularly managed to control the growth of weeds and rank vegetation.
Reason: So as not to damage the quality of the soil to be used in the restoration of the site to complete the development for a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

WORKING PROGRAMME/RESTORATION (SOIL REPLACEMENT DURING RESTORATION):

24. Mineral extraction shall not extend beyond the depths / areas shown on drawings:
- 320/1 - Ext – 3, Rev 6.0 – Phasing, location of bunds & extraction areas
- SQ/0922/PA-06, Rev V5 – Cross Sections (Maximum Excavation Plan)

Reason: To minimise and restrict disturbed areas to not extend beyond those identified on the approved plans and to accord with Kirklees Local Plan Policy LP36 and Sections 15 and 17 of the National Planning Policy Framework.

25. Within six months of the date of this permission a scheme shall be submitted to and approved in writing by the Minerals Planning Authority which elaborates upon the proposed method of backfilling the site. The scheme shall include:

a) Representative plans and cross sections to show the proposed vertical sequence of materials to be used to imitate the existing hydro geological conditions;
b) The type, nature and volume of materials to be used;
c) An assessment of the risks to the environment resulting from the use of the proposed fill materials; and
d) Information to demonstrate that the flow in the stream to the northeast of the site will be maintained and that the natural hydrogeological regime in the area will not be detrimentally affected.

The scheme shall thereafter be fully implemented and maintained during the course of mineral extraction/landfilling operations.
Reason: To ensure that the development does not have a significant adverse impact on existing drainage or water regimes and would not to pose a significant threat to the water environment in the immediate area, in accordance with Policies LP28, LP34 and LP36 of the Kirklees Local Plan and the National Planning Policy Framework**.**

26. After completion of mineral extraction in each phase the site shall be progressively restored to agriculture / woodland in accordance with the:

- Restoration land levels shown on drawing ref: SQ/0922/PA-05-Rev V5; and
- Soft landscape proposals shown on drawing ref: 320/1- Restoration-2, Rev 6.0

and a detailed restoration scheme to be submitted and approved in writing by the Mineral Planning Authority prior to the export of minerals from the site. The submitted scheme shall include:

a) The phasing and direction of backfilling of the site;
b) Spreading a minimum depth of 350mm subsoil and 250mm topsoil over the areas to be restored to agricultural use;
c) A minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall be placed on the surface of the final waste deposit;
d) Ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
e) Details of cultivation techniques and equipment to be used;
f) Final levels and contours of the restored land graded to blend in with those of the surrounding land to prevent ponding and promote good surface water drainage;
g) Grass seeding of areas to be returned to agriculture including details of proposed seed mixture, including species and seed rate;
h) Details for reconstruction of drystone walls and provision of gates in the local style;
i) Enhancement of the existing woodland, including new hedgerows with details of species, numbers etc;
j) Provision of species enhancements (bat and bird boxes);
k) Demonstration of how the above accords with a Biodiversity Net Gain of +28.82% habitat units and a net gain +35.01% hedgerow units;
l) Post restoration drainage proposals;
m) The removal of all plant, machinery, structures, haul roads, all storage/screen mounds and fences; and
n) A programme of works/phases and timescales for all of the above.

Thereafter the restoration works shall be fully implemented in accordance with the approved details / timescales, with the Mineral Planning Authority being notified in writing seven days prior to the spreading of subsoil or topsoil. For a period of five years after planting, any tree or shrub which fails or dies shall be replaced in the next available planting season.
Reason: To allow the Mineral Planning Authority to record the progress and enable monitoring so as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

27. After the cessation of mineral extraction, overburden (which shall be evenly graded and ripped to relieve compaction to a depth of 800mm at 1 metre spacing using an industrial grader rake) shall be replaced to such levels so that, after replacement of subsoil and topsoil and completion of settlement, the contours of the restored land shall conform with the restoration contours shown on approved drawing ref: SQ/0922/PA-05-Rev V5- restoration land levels.
Reason: So as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

28. Each layer formed in accordance with condition 27 shall be ripped and cross ripped to its full depth to relieve compaction using winged tines at no greater spacing than 600mm. Any rock, boulder or stone larger than 75mm across or any other object capable of impeding subsequent cultivation of the site which is brought to the surface shall be removed.
Reason: So as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP36 and LP37 and the National Planning Policy Framework.

29. Within three months of the restoration of the final topsoil layer, a plan of contours at sufficient intervals to indicate the final restored landform of the site, together with a record of the depth and composition of the reinstated soil profiles, shall be submitted to the Mineral Planning Authority.
Reason: So as to ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

30. In each phase a grass sward shall be developed in the first available growing season following the approval of details pursuant to condition 26. If in any part of the restored area satisfactory grass growth is not established as a result of the initial sowing, such areas shall be cultivated and reseeded, after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.
Reason: To ensure that the restoration of the site results in a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

31. Only inert excavation / demolition waste / material shall be imported into the site for restoration purposes to achieve the final restoration levels as approved on drawing ref: SQ/0922/PA-05-Rev V5- ‘restoration land levels’ after allowance is made for depth of subsoils and topsoils for restoration.
Reason: To ensure that the development does not contaminate / pollute land or have a significant adverse impact on existing water regimes and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

32. Notwithstanding the submitted details / plans and upon the satisfactory completion of restoration of the site, the permitted access shall be removed and the land shall be restored for use for agriculture by 31/12/2043, in accordance with a scheme which shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall provide for:

a) The removal of the hardcore carriageway, bell mouth and the walls and kerbs at the junction with Huddersfield Road;
b) Reinstatement of the original drystone wall and agricultural field entrance adjacent to Huddersfield Road;
c) Ripping the line of the access to relieve compaction;
d) Details of the depths of subsoil;
e) Topsoil and seed mixtures to be applied and the method of cultivation; and
f) The timetable of implementation.

Reason: In the interests of visual amenity, to ensure that the restoration of the site results in a beneficial after use, and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

AMENITY:

33. No activities associated with the hereby approved development shall take place outside the hours of:

- Monday to Friday 07:00 and 17:30
- Saturdays 08:00 to 12:30

With no activities / working to take place on Sundays or Bank Holidays, except in emergencies to maintain safe quarry working, details of which shall submitted in writing to the Mineral Planning Authority as soon as practicable.

Reason: To ensure that the proposals do not give rise to the loss of amenity to nearby residential properties by reason of noise or disturbance at unsociable hours, and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

34. Any daytime (07:00 to 19:00) operational noise shall not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours when measured at any noise sensitive property. Where it is not possible to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near to that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).

Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

35. Before any mineral extraction commences, all mitigation measures which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Nova Acoustics dated 25/07/2022 ref 8073MP shall be completed. Written evidence shall be submitted to the Mineral Planning Authority verifying the installation of the screen mounds, as per the submitted plan from MPG dated 11/09/2023, ref 320/1 – Ext-3 Rev 6.
Reason: To safeguard the amenities of nearby residents and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.

36. Prior to development commencing a Dust Management Plan (DMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall describe in detail the actions that shall be taken to minimise adverse impacts on air quality and occupiers of nearby properties by effectively controlling dust arising from all quarry related activities. The DMP shall include details of wheel cleaning operations within the site, a communications plan detailing the responsible person, their contact details and how this shall be communicated to local residents and the Mineral Planning Authority. The approved plan shall be adhered to throughout the lifetime of the development.
Reason: To safeguard the amenities of nearby residents, highway safety and to accord with Kirklees Local Plan Policies LP36 and LP52 and Sections 15 and 17 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure details of dust management are approved at an appropriate stage of development.

37. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Mineral Planning Authority shall be notified in writing within two working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Mineral Planning Authority or (b) the Mineral Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Mineral Planning Authority. Quarry operations shall not continue until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Mineral Planning Authority.
Reason: To ensure the any unexpected contamination is dealt with appropriately and to protect people in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

38. There shall be no explosive blasting on the site.
Reason: To protect the amenities of local residents and to accord Kirklees Local Plan Policies LP36 and LP52 and Section 17 of the National Planning Policy Framework.

39. No skips, containers or vehicles shall be stored at the site.
Reason: To protect the amenities of local residents and to accord Kirklees Local Plan Policies LP36 and LP37 and Section 17 of the National Planning Policy Framework.

40. Inert waste / material imported to the site shall not be stockpiled but shall be incorporated in the quarry void at the first available opportunity.
Reason: In the interests of visual amenity and so as not to detract from the openness of the Green Belt and to accord with Kirklees Local Plan Policy LP36 and Section 17 of the National Planning Policy Framework.

41. Notwithstanding the provisions of Part 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 with or without modification) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.
Reason: In the interest of visual amenity and to accord with Kirklees Local Plan Policies LP36 and LP52 and Section 15 and 17 of the National Planning Policy Framework.

42. No development shall take place between the extraction areas and the location of the bunds. The existing track shall be used to transport the soils to create the bunds and any areas traversed by vehicles to create the bunds shall be re-seeded on completion of the bunds.
Reason: In the interests of ecology, visual amenity and to accord with Kirklees Local Plan Policies LP30, LP36 and LP37 and the National Planning Policy Framework.

AFTERCARE:

43. An outline aftercare scheme in the form of a detailed Ecological and Landscape Restoration Management Plan (setting out management and monitoring actions to be employed to ensure the long-term success of the site reclaimed under condition 26, to the required standard for woodland / agriculture purposes, including all restored habitat areas, for an aftercare period of five years), shall be submitted to and approved in writing by the Mineral Planning Authority at least three months prior to the completion of replacement of all restoration soils on any phase of the permitted development. 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, in accordance with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

44. Following compliance with Condition 43 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31st August of each year 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, shall 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 when development is completed to a beneficial after use and to accord with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework

ANNUAL REVIEW:

45. Every year during the aftercare period, a site meeting shall be held before 30th November, to which the following parties shall be invited:

a) The Mineral Planning Authority;
b) Site Operator and all owners of land within the site;
c) Any restoration / aftercare sub-contractor retained by the applicant / operator;
d) DEFRA; and
e) Natural England

to discuss the reports prepared in accordance with condition 44 above, review progress to date, agree any further remedial measures or improvements necessary to be under the aftercare programme for the coming year.
Reason: To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

46. Hedges and trees planted in accordance with conditions 26 shall be maintained during the aftercare period in accordance with good woodland and agricultural practice, with such maintenance to include the following:

a) Replacing plants which die or are lost;
b) Weeding early in each growing season, and as necessary thereafter, to encourage the establishment of hedges and trees;
c) Maintaining any fences around planted areas in a stockproof condition; and
d) Appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

Reason: To ensure the restoration of the site is completed satisfactorily and the site is brought to a beneficial after use and to accord with Kirklees Local Plan Policies LP30 and LP37 and Sections 15 and 17 of the National Planning Policy Framework.

Footnote – Environment Agency's advice to applicant – Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. Dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

The reports you have supplied have stated no dewatering will take place and the only pumping will be excess surface water into established drainage systems. However, should dewatering be required, it is worth noting that it was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available online:

https://www.gov.uk/guidance/water-managementapply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-apreviously-exempt-abstraction

Footnote – Dust Management Plan

Kirklees Council has powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Footnote – Contaminated land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

Footnote – Other consents

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Footnote – Links to related planning permissions

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93050

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing site /block layout with levels/contouring	SQ/0922/PA-01,	Rev V5	29/06/2023
Location plan	320/1 – Ext-1 dated 07/03/2023	Rev 2	29/06/2023
Existing site block plan with red and blue lines	320/1 - Ext-2	Rev 4.0	29/06/2023
Proposed restoration levels/contours	SQ/0922/PA-05	Rev V5	29/06/2023
Phase 1, Extraction Design	SQ/0922/PA-03	Rev V5	29/06/2023
Phase 2, Extraction Design	SQ/0922/PA-04	Rev V5	29/06/2023
Phasing, location of bunds & extraction areas	320/1 - Ext – 3	Rev 6.0	06/10/2023
Proposed Restoration soft landscaping	320/1 - Restoration – 2	Rev 6.0	29/06/2023
Proposed sections, maximum depth of excavation	SQ/0922/PA-06	Rev V5	10/10/2023
Supporting statement produced by MPG	320/1-R1.1, dated 31/05/2023		29/06/2023
Preliminary Ecological Appraisal Report	CW20-382 RPT 001Dated 22/12/2022	Rev 1	29/06/2023
Drainage Strategy	14760-Drainage Strategy-02, dated 21/12/2022		29/06/2023
Landscape & visual appraisal	CW0194-RPT-001D, dated 13/03/2023	Rev D	29/06/2023
Heritage impact assessment	2223-15,dated January 2023		29/06/2023
Noise Impact Assessment	8073MP, dated 25/07/2022	Rev 001	29/06/2023
BNG_Metric			29/06/2023
Letter response to E/Health comments	From MPG		27/09/2023
Borehole Logs	6 sheets		29/06/2023
Additional info in response to EA comments, BNG issues, bund details and	From MPG		06/10/2023

Plan Type	Reference	Version	Date Received
direction of working			
Conceptual site model risk assessment Document	320/1—R1.1		15/03/2024
Statement of Community Involvement	320/1—R1.1 – SCI, dated 25/04/2023	Rev 1.1	29/06/2023

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 Mineral 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. Clarity on issues relating to the operations of the proposals was sought, as was additional information from the applicant during the course of the application, relating to the maximum depths of excavation.

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.**

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: **31-Oct-2024**

Signed: 

David Shepherd
Executive Director for Place

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 2023/62/91949/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
