



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/92140/E

To: Rachel Broadbent,
Sustrans
Floor 3, Maybrook House
Grainger Street
Newcastle upon Tyne
NE1 5JE

For: Sustrans

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:-

IMPROVEMENT WORKS TO THE SPEN VALLEY GREENWAY / NCN 66
CONSISTING OF WIDENING THE EXISTING SHARED USE PATH TO 3M,
RESURFACING AND OTHER IMPROVEMENTS, AND REDESIGNING TWO
BARRIER ACCESSSES

At: SPEN VALLEY GREENWAY, CLECKHEATON

**In accordance with the plan(s) and applications submitted to the Council on
17-Jul-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.

3/. Permanent signage shall be erected and displayed at both access points (Laithe's Hall Avenue and Green Lane) to discourage use of the Greenway by motorised All Terrain Vehicles.

Reason: For the purpose of promoting healthy and safe communities as per National Planning Policy Framework Paragraph 92 (b).

4/. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 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 Local Planning Authority or (b) the Local 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 Local Planning Authority. No part of the site shall be brought into use 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 Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph Nos. 183 and 184 of the National Planning Policy Framework

Footnotes:

Retaining Structures Note:

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225616 who can advise further on this matter

PROW - Note:

The public footpaths that cross and are adjacent to the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Pollution Note -

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional 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.

Contaminated Land Note:

All contamination reports shall be prepared in accordance with guidance in:

- 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;

Biodiversity Method Statement Note -

It is understood that a bespoke method statement will be prepared by CCNW in the event that badgers and their setts are discovered during construction works (see Sustrans Ecological – Construction Environmental Management Plan Ref. 14048 section 4.3.3).

The following measures should be included in their statement:

All site personnel should be informed by tool box talks of the presence of protected species, the exclusion zones and the penalties for infringement. Badgers can create new entrance holes and tunnels at any time. Contractors should remain vigilant. Should any mammal holes be discovered, work should stop and appropriate ecologist consulted. Badgers when foraging will cross the site periodically and could become trapped in open trenches or pipework if left uncovered overnight. Any excavations or trenches which are not back filled or covered at night should be left with an escape ramp.

During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers. The storage of topsoil or other “soft” building materials within the site should be given careful consideration. Badgers will readily adopt such mounds and dig setts which would then be afforded the same protection as established setts. To avoid the adoption of such mounds, they should be subject to daily inspections before work commences or alternative measures put in place, such as being fenced off.

Note: Licenses issued by Natural England for working in close proximity to active badger setts will normally only be granted for works to be undertaken between 01 July and 30th November inclusive and not as shown in PEA, Table Ten: Protected Species Constraints Calendar.

CEMP Construction Environmental Management Plan –

Footnote Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional 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.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Plans			
Location Plan Overview	14048-N-DR-04-1000	00	24/07/2023
Location Plan 1 of 3	14048-N-DR-04-1001	00	24/07/2023
Location Plan 2 of 3	14048-N-DR-04-1002	00	24/07/2023
Location Plan 3 of 3	14048-N-DR-04-1003	00	24/07/2023
Existing Site Plan Overview	14048-N-DR-04-1004	00	24/07/2023
Existing Site Plan 1 of 4	14048-N-DR-04-1005	00	24/07/2023
Existing Site Plan 2 of 4	14048-N-DR-04-1006	00	24/07/2023
Existing Site Plan 3 of 4	14048-N-DR-04-1007	00	24/07/2023
Existing Site Plan 4 of 4	14048-N-DR-04-1008	00	24/07/2023
Proposed Site Plan Overview	14048-N-DR-04-2000	00	24/07/2023
Proposed Site Plan 1 of 4	14048-N-DR-04-2001	00	24/07/2023
Proposed Site Plan 2 of 4	14048-N-DR-04-2002	00	24/07/2023
Proposed Site Plan 3 of 4	14048-N-DR-04-2003	00	24/07/2023
Proposed Site Plan 4 of 4	14048-N-DR-04-2004	00	24/07/2023
Green Lane: Access Control Improvements	14048-N-DR-04-501	00	24/07/2023
Laithe Hall Avenue: Access Control Improvements	14048-N-DR-04-502	00	24/07/2023
Proposed Site Plan with Arboricultural Survey Data Overview and	14048-N-DR-04-3000	00	13/09/2023
Proposed Site Plan with Arboricultural Survey Data 1 of 4	14048-N-DR-04-3001	00	13/09/2023

Plan Type	Reference	Version	Date Received
Proposed Site Plan with Arboricultural Survey Data 2 of 4	14048-N-DR-04-3002	00	13/09/2023
Proposed Site Plan with Arboricultural Survey Data 3 of 4	14048-N-DR-04-3003	00	13/09/2023
Proposed Site Plan with Arboricultural Survey Data 4 of 4	14048-N-DR-04-3004	00	13/09/2023
Enhanced Grassland Plan Overview	14048-N-DR-04-8000	00	30/11/2023
Enhanced Grassland Plan Sheet 1 of 2	14048-N-DR-04-8001	00	30/11/2023
Enhanced Grassland Plan Sheet 2 of 2	14048-N-DR-04-8002	00	30/11/2023
Indicative Cross Section Showing Enhanced Grassland	14048-N-DR-04-8003	00	30/11/2023
Documents			
Planning, Design & Access Statement – Spen Valley Greenway – Kirklees (Sustrans - 06 July 2023)	-	-	18/07/2023
Arboricultural Planning Statement - Spen Valley Greenway – (Sustrans - 26 June 2023)	-	-	18/07/2023
Arboricultural Method Statement – Spen Valley Greenway (Sustrans - 08 September 2023)	-	-	13/09/2023
Preliminary Ecological Appraisal – Spen Valley Greenway Cleckheaton – Low Moor – (By CCNW – 19/10/2023)	JE 7771-22	-	19/10/2023
Ecology Update March 2023 – Protected Species Update - Spen Valley Greenway Cleckheaton – Low Moor – (By CCNW – 06/02/2023)	JE 7926-23	-	18/07/2023
Ecology Method Statements – Protected Species Method Statements - Spen Valley Greenway Cleckheaton – Low Moor – (By CCNW – 01/07/2023)	JE 7936-23	-	18/07/2023

Plan Type	Reference	Version	Date Received
NCN 66 – Spen Valley Greenway – Ecological – Construction Environmental Management Plan – (Sustrans - 04/07/2023)	14048	-	18/07/2023
National Grid Pylon Plan – Towers 4ZZ107 to 4ZZ108 (Found under consultations from National Grid)	28_NG_0247_1	A	30/08/2023
Practical Advice for the Avoidance of Microshocks – Practical Guidance for Construction Sites (Found under consultations from National Grid)	-	-	30/08/2023
Flood Risk Assessment – Spen Valley Greenway – (Sustrans 04/07/23)	-	-	24/07/2023
Spen Valley Greenway – Sustrans Response Northern Gas Networks Consultation Response (Sept 2023)	-	-	19/09/2023
Spen Valley Greenway – Northern Gas Networks Response – Addendum (by Sustrans)	-	-	19/10/2023
Spen Valley Greenway – Statement of Justification for Access Control Redesign (by Sustrans)	-	-	20/10/2023
Spen Valley Ecological Mitigation and Enhancement Proposals (By Sustrans, dated 05/12/23)	-	-	30/11/2023
Biodiversity Metric 4.0 Calculation – ‘Spen Valley Greenway Resurfacing’ (Excel Document)	-	-	30/11/2023

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 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.

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: 11-Dec-2023

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 planning applications and decisions' and by searching for application number 2023/62/92140/E .

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
