

**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: | 2023/62/93805/E |
| Site Address: | south east of, Wakefield Road, Clayton West, Huddersfield |
| Description: | Development of an integrated constructed wetland (ICW), motor control centre kiosk, wetland outfall weir and associated ancillary plant for operational improvements to Clayton West Waste Water Treatment WwTW Works (WwTW). |
| Recommending Officer: | Nina Sayers |

DECISION – Conditional Full Permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 10/09/2024

Officer Report

Site Description

The application site relates to a 12ha plot of land approximately 1km east of Clayton West. The site borders Wakefield Road (A636) to the north and an unadopted highway to the west. The southern part of the site covers part of an existing water treatment works and the northern part of the site is currently used for agriculture and is predominantly grass covered which is typical of the wider setting.

The site is located within the Green Belt and Strategic Green Infrastructure Network as allocated within the Kirklees Local Plan. The River Dearne runs through the site and part of the Wildlife Habitat Network follows the course of the river. There is also a drain and pond which run across the site further north. The areas adjacent to the water courses are within Flood Zone 2 and 3. There is a public footpath (DEN/13/20) which runs through the centre of the site and a bridleway (DEN/15/40) which runs down the western boundary of the site.

Description of Proposal

The applicant is seeking planning permission for the development of an Integrated Constructed Wetland (ICW), motor control centre kiosk, wetland outfall weir and associated ancillary plant for operational improvements to Clayton West Waste Water Treatment Works (WwTW). The proposal would comprise:

ICW

13 wetland cells comprised of six larger cells split into two by a central berm and outlet structures. Located within the northern part of the site.

Motor Control Centre Kiosk

A 3.8(d) x 8.9(w) x 3.5(h) metre structure upon a concrete slab. Located within the southern part of the site, with the site of the existing works.

Internal Access Road

3m wide stone access track adjacent to the wetland cells to allow for maintenance and management of the ICW.

History of negotiations

Due to the time constraints required for funding, the applicant has sought to avoid pre-commencement conditions. As such the following additional information has been provided during the course of this application:

- Biodiversity Net Gain Calculations
- Protected Species Reports
- Construction Environmental Management Plan (CEMP)

- Ground Investigation Reports (Phase 1 and 2)
- Trial Trenching and Probe Drilling Plan
- Landscaping
- Water Management Plan
- Excavation and Trenching Summary
- Construction Environment Management Plan
- Preliminary Ecological Assessment
- Site Plan with related changes
- Flood Prevention Plan
- Dust Management Plan

The additional information has been reviewed and the necessary re-consultations have taken place.

Relevant Planning History

At adjacent site:

2023/93609 – Construction of a temporary site access and compound. Conditional temporary approval.

Representations

The site was advertised via site notice, in the press and on the council's website as the scale of the proposal constitutes a major development and the development would affect a public right of way. Publicity expired on 12/04/2024.

Two representations were received, one in objection and one as a general comment. The following comments were made:

- Concerns regarding the impact on the public right of way – the footpath should be maintained and kept open during the works as it provides the only safe route along the River Dearne.
- The plans show the closure of the public footpath which would be detrimental to the community.
- Application not advertised for long enough.
- No odour impact assessment submitted or details of odour abatement.
- No insect, pest and vermin impact assessment has been provided re: the open waste lagoons.
- More screening e.g. hedges, trees should be incorporated on the boundary with A636 and Back Lane.
- Sightlines should be maintained by Yorkshire Water re the junction A636 and Back Lane.
- Application states 0.5 job will be lost at Yorkshire Water plus loss of food production on the fields.
- No protection for protected species, particularly badgers which are present.

Denby Dale Parish Council raised no objections but raised concerns around the continued access and preservation of the footpath.

Consultation Responses

KC Highways Development Management – No objections.

The Coal Authority – No objections.

KC Ecology – No objections.

Lead Local Flood Authority – No objections.

KC Environmental Health – No objections subject to conditions.

Environment Agency – No objections.

WY Archaeological Advisory Service – No objections.

KC PROW – No objections

KC Trees – No objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site is located as Green Belt as allocated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29/06/2021) supplementary planning documents for guidance on house building, house extensions and open

space, to be used alongside existing SPDs previously adopted. This guidance indicates how the council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20/12/2023, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment

The following matters are considered in the assessment below –

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

1. Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This, too, will be explored.

The application site is within the Green Belt as located on the Kirklees Local Plan. Paragraph 142 of the NPPF states: "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*"

Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this are then listed.

Paragraph 155 of the NPPF outlines that some forms of development are "*not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it*". This includes engineering operations (b) and material changes in the use of land (e).

This application would change the use of the land from agriculture to an Integrated Constructed Wetland. This aspect of the proposal, as well as the engineering operations required to facilitate the development, are considered to fall under paragraph 155 of the NPPF and would therefore not constitute inappropriate development.

The proposed motor control centre kiosk would be located within the boundary of the existing waste water treatment site, which would be considered previously developed land. Within the submitted Planning Statement the applicant has outlined that the proposed motor control centre kiosk would fall under paragraph 149 (g) (now 154 (g) in the latest NPPF) "*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development*".

The submitted Planning Statement outlines that "*The kiosk has been designed and orientated to not protrude above existing infrastructure such that there would be no greater impact on the openness of the Green Belt. It is therefore considered that this element of the Proposed Scheme represents appropriate development in the Green Belt.*" Whilst it is accepted that the location and height of the proposed kiosk would limit the impact it has on the landscape, it would still introduce built development where currently there is none and as such it would impact on the openness of the Green Belt.

Notwithstanding whether the kiosk would fall under sub-paragraph 154 (g), other aspects of the proposal such as the inclusion of fencing and introduction

of internal roads, would not fall under paragraphs 154 or 155 of the NPPF and as such would be considered inappropriate development. The fencing and internal access roads, which would facilitate the movement of vehicles, would impact on the openness of the site as they would introduce development where currently none exists. The site is set within open fields and the introduction of fencing and hardstanding would be visually intrusive in the landscape.

Paragraph 152 of the NPPF states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Within paragraph 5.3.5 of the submitted Planning Statement, the applicant has outlined the very special circumstances which are applicable to this application. They state:

“The Proposed Development in this case would facilitate the improvement of the existing wastewater facility (new pipeline and pumping station). These improvements would ensure the additional treatment of waste effluent and treatment of storm overflows. The Proposed Development would ensure that final effluent and storm overflows are intercepted prior to entering the River Dearne. The wetland would also provide additional treatment for the effluent. The significant benefits that the improvements to the existing wastewater treatment facility and wetland would provide, demonstrate the essential need for these enabling works. Due to the location of the existing WwTW and the requirement under ‘1a obligation’ the development must be located in the Green Belt under very special circumstances.”

Taking the above into consideration, along with the significant environmental benefits of the proposal, it is considered that the very special circumstances outweigh any significant harm to the Green Belt that would be caused by the proposed development. As such the principle of development is considered acceptable.

Notwithstanding the above conclusion, a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

As outlined in detail in the principle of development section of this report, this site is within the Green Belt and this characterises the surrounding landscape. The proposal would cause harm to the visual character of the area by introducing built development and hard landscaping where non currently exists. Significant weight is, however, given to the environmental benefits of the proposal and it is noted that the scheme includes soft landscaping and planting which would be welcomed. As such the impact on visual amenity is considered acceptable on balance.

It is considered that the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Section B and C of Local Plan Policy LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The application site is more than 340m away from the nearest dwelling. Therefore, no significant overbearing, overshadowing or overlooking harm would be caused to the amenity of nearby occupiers as a result of the proposal.

Given the site is within 500m of sensitive receptors that may be negatively impacted by any fugitive dust liberated during the 13-month construction period, KC Environmental Health recommend a dust mitigation plan. In support of the application an Outline Construction Environmental Management Plan (CEMP) dated March 2024 has been submitted. This details the training and instructions to be given to staff, inspections, mitigation measures and complaints procedures. Section 4.3.2 Air Quality, lists the fugitive dust controls that would operate on site which follow best practice.

The CEMP would be reviewed regularly, and this would include an audit of incidents and complaints

It is noted that a representation has raised concerns regarding the impact of odour. This application is related to, and located directly adjacent to, an existing wastewater treatment works (which is a potential source of odour), however given the scale and nature of the proposed development, it is considered unlikely to create additional odour impacts over and above the existing arrangement, particularly when considering the distance to nearby residents. Odour was not raised as a concern by KC Environmental Health.

It is therefore considered that the proposed development would not cause significant harm to the amenity of the nearby residents, over and above the existing arrangement on site. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The Highways Design Guide SPD is also relevant.

The submitted planning statement outlines:

“The proposed development does not require any permanent changes to the existing access arrangements. However, during the construction phase the existing access would be closed. Following the completion of the Integrated Constructed Wetland this access would be reinstated and be shared with a local farmer for the movement of livestock. New access tracks are proposed within the site to allow for the maintenance of the Integrated Constructed Wetland”.

“It is not possible to keep the existing PRoW on its existing line due to engineering and operational constraints. But the proposed diversion is as close to the existing route as possible whilst ensuring PRoW users are safe”.

Given that the existing access arrangements are unchanged other the temporary closure of a field gate KC Highways Development Management have no objection to these proposals.

Regarding the Public Right of Way which runs across the centre of the site, this is addressed in the other matters section below.

It is therefore considered that, the development would not result in significant harm to highway safety, thus complying with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Ecology

The submitted PEA, bat and barn owl protected species assessment provide a comprehensive assessment of the ecological value of the site. The habitats at the site comprise grassland, hedgerows, built form and watercourses. The PEA made a number of recommendations for additional surveys that were required at the site, and therefore subsequent surveys were undertaken for bats, barn owl, otter, water vole, kingfisher and white-clawed crayfish. The PEA details that measures to safeguard other protected species including badgers, birds and reptiles would be detailed within the submitted CEMP.

The protected species report for bats and barn owls provides a comprehensive assessment of the potential impacts the proposals would have on these species groups. The site was found to be of local value for foraging and commuting bats and although no barn owl nests were observed throughout the surveys, three potential nesting sites were identified within the site. The report details that construction activities could potentially result in negative impacts. The measures outlined in section 5.2 of the submitted report should be strictly adhered to throughout the development.

The submitted CEMP (YW.202043.02 YW.202043.02-MM-WWT-WWT-RP-Z-0011 P01 - Outline Construction Environmental Management Plan) provides comprehensive details on what measures should be adopted throughout the construction of the compound and ICW, and should be strictly adhered to throughout.

The submitted Positive Biodiversity Net Change Design Stage Report for the Dearne Reach Integrated Constructed Wetland details that following the completion of the works, the habitats at the site would be reinstated and enhanced to deliver a 38.32% net gain in habitats, 23.26% net gain for linear features and 6.2% net gain for watercourse units. The report details the management and monitoring regime that would be adopted at the site for the development to achieve the required level of biodiversity value at the site.

Overall, KC Ecology have no objection to this application and following works the development would allow for a significant uplift in the biodiversity value of the site, within an ecologically promising area. KC Ecology recommend the measures outlined in the CEMP and BNG Plan be secured through appropriately-worded conditions, however officers consider this would be sufficiently covered by recommended condition 2.

The proposal is considered to be compliant with Policy LP30 of the Kirklees Local Plan.

Flood Risk

The River Dearne runs through the application site and there is also a drain and pond which run across the site further north. The areas adjacent to the water courses are within Flood Zone 2 and 3. Given this and due to the size of the site the LLFA (Lead Local Flood Authority) were consulted and raised no objections to the scheme. The LLFA confirms that the surface water drainage strategy, as shown in Appendix G of the submitted Flood Risk Assessment, is acceptable. They note that any culverting of ordinary watercourses would require a separate Land Drainage Consent from the LLFA, and any works adjacent to the River Dearne may require an Environment Agency permit.

The LLFA recommended conditions for drainage details. It was initially recommended by the LLFA that the conditions be pre-commencement, however following discussion with the agent and due to the strict time constraints, it was agreed with the LLFA that the conditions could be triggered prior to the installation of surface water/foul water drainage instead.

Following the LLFA's initial consultation response, the applicant submitted a Pollution Prevention Plan. The LLFA has no adverse comments on the submitted document which details the contractor's proposed method of controlling surface water run-off during the construction phase.

The Environment Agency (EA) were also consulted on the proposed development, and they raised no objections to the scheme. The EA initially recommended a condition requiring the approval of and adherence to a scheme to manage surface water run-off and a PEA, both of which were submitted during the course of the application along with a Risk Assessment/Method Statement. These were accepted by the EA who recommended no further conditions.

Taking the above into consideration, subject to a condition relating the drainage details, the development complies with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

PROW

There is a public footpath (DEN/13/20) which runs through the centre of the site and bridleway (DEN/15/40) which runs down the western boundary of the site. The proposed development would not impact on the amenity of the bridleway (DEN/15/40). The applicant is proposing the diversion of the public footpath (DEN/13/20) as the proposed development would interfere with the existing route. The applicant has applied for the diversion of the footpath along the side of the River Dearne under separate legislation. The applicant and agent are aware that the definitive alignment of the footpath cannot be obstruction prior to the diversion order being confirmed.

KC Public Right of Way (PROW) were consulted on the proposal and raised no objections. They recommended a footnote which reiterates to the applicant

that the must not be interfered with or obstructed, prior to, during or after development works without the consent of KC PROW.

Land Contamination

KC Environmental Health (KC EH) were consulted on the proposal and initially recommended land contamination conditions. Following this the applicant submitted a Ground Engineering Desk Study Report and Phase 2 Ground Investigation Report in support of the application. KC EH reviewed these and requested a revised conceptual site model specific to the site. Additionally, KC EH sought further clarification and commentary regarding the risks associated with the elevated leachate values encountered, as KC EH did not agree with the low-risk assessment given the concentrations.

The applicant then submitted a Technical Note and a Memo to support the application. Based on the updated information and given that the EA have not raised concern with the information provided, KC EH were able to revise their previous recommendations regarding contaminated land, and recommended a condition addressing unexpected contaminated land.

Land Stability

The application site falls within the defined Development High Risk Area for coal mining and as such a Coal Mining Risk Assessment (CMRA) was submitted and the Coal Authority were consulted on the proposal.

The Coal Authority initially recommended conditions regarding intrusive site investigations and details of remediation/mitigation and a signed statement or declaration. In attempt to avoid pre-commencement conditions, further information was submitted by the applicant during the life of the application. The report authors stated that a total of 77 boreholes were drilled to investigate shallow mine workings, and that no evidence indicative of abandoned mine workings were encountered. The Coal Authority assumed, on this basis, that the report authors were therefore satisfied that no risks to the proposed development arise from past coal mining activity.

In light of the report submitted, and the conclusion confirmed by Soil Engineering, the Coal Authority have no objections to this submission and have confirmed that the submitted information addressed their previous request for the imposition of planning conditions. The scheme is considered compliant with paragraphs 189 and 190 of the NPPF.

Trees

There are a number of trees within the application site, none of which are protected by Tree Preservation Orders. The applicant has submitted an Arboricultural Survey Report which outlines the impact of the development on the existing trees. Within the application boundary, six trees would be removed, as would one section of hedgerow.

KC Trees were informally consulted on the proposal. Whilst officers would ideally not want to see the removal of healthy trees, the design of the proposal has clearly taken into consideration the impact on the trees and has attempted to retain as many trees as possible. Overall, it is considered that the benefits of the proposed scheme outweigh the harm caused by the proposed loss of one tree within the site.

The scheme is considered compliant with Policy LP33 of the Kirklees Local Plan.

6. Representations

Two representations were received, one in objection and one as a general comment. They raised the following comments which have been responded to by officers below:

- Concerns regarding the impact on the public right of way – the footpath should be maintained and kept open during the works as it provides the only safe route along the River Dearne.
- The plans show the closure of the public footpath which would be detrimental to the community.
Officer response: this has been carefully considered and discussed in the other matters section of this report.
- Application not advertised for long enough.
Officer Response: This application was advertised via site notice, in the press and online and was advertised for the statutory publicity period in line with the Development Management Procedure (England) Order 2015 and KC Development Management Charter.
- No odour impact assessment submitted or details of odour abatement.
Officer Response: This has been discussed in the residential amenity section of this report.
- No insect, pest and vermin impact assessment has been provided re: the open waste lagoons.
Officer Response: The required ecological information has been provided and assessed by KC Ecology as outlined within the other matters section.
- More screening e.g. hedges, trees should be incorporated on the boundary with A636 and Back Lane.
Officer Response: The required ecological information has been provided and assessed by KC Ecology as outlined within the final response. No additional planting was considered necessary in the interest of visual amenity.
- Sightlines should be maintained by Yorkshire Water re the junction A636 and Back Lane.
Officer Response: KC Highways Development Management have been consulted on the proposal and raised no objections.
- Application states 0.5 job will be lost at Yorkshire Water plus loss of food production on the fields.
Officer Response: The suggested employment reduction is not considered significant. No agricultural land classification information

has been submitted by the applicant, however a large part of the site is already in use for waste water treatment (and therefore would not be regarded as best and most versatile agricultural land). Given the environmental benefits of the proposed scheme the development is considered to have an overall positive impact (that outweighs the harm that may be caused in respect of the matters raised in this representation) and therefore is considered acceptable.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation: Delegated Powers

Application Number: 2023/93805

Officer Recommendation: Approve

Conditions and reason:

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 with Policies LP1, LP2, LP3, LP21, LP24, LP30, LP31, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. Prior to the installation of surface water/foul drainage, detailed designs shall be submitted regarding foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 (+ climate change allowance) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted

to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development 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 Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Public Footpath Denby Dale 13 is within the development site and must not be interfered with or obstructed, prior to, during or after development works without the consent of Kirklees Council (Public Rights of Way team). Authority must be applied for and approval in writing given, prior to works commencing on the footpath. The council's Public Rights of Way team may be contacted by telephone 01484 221000 (please ask for Sharon Huddleston) and the team are based at Civic Centre 1, Huddersfield HD1 2NF. The team's email address is publicrightsofway@kirklees.gov.uk.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

| Plan Type | Reference | Version | Date Received |
|--|---|----------------|----------------------|
| Location Plan | YW.202043.02 MMB WWT WWT DR C 1010 | P02 | 02/01/2024 |
| Site plan integrated constructed wetlands proposed site layout | YW.202043.02 MMB WWT WWT DR C 1012 | P04 | 21/03/2024 |
| Existing sewage treatment works proposed site layout | YW.202043.02 MMB WWT WWT DR C 1013 | P03 | 21/03/2024 |
| Existing site flood risk plan | YW.202043.02 MMB WWT WWT DR C 1016 | P02 | 02/01/2024 |
| Main works hedgerow and tree removal plan | YW.202043.02 MMB WWT WWT DR C 1011 | P02 | 02/01/2024 |
| Existing and proposed prow general arrangement | YW.202043.02 MMB WWT WWT DR C 1100 | P02 | 21/03/2024 |
| MCC Kiosk Elevation | YW.202043.02 MMB WWT WWT DR C 2104 | P02 | 02/01/2024 |
| Wetland plan and longitudinal section a-a (cells 1-4) | YW.202043.02 MMB WWT WWT DR C 2002 | P04 | 21/03/2024 |
| Wetland plan and longitudinal section b-b (cells 5-7) | YW.202043.02 MMB WWT WWT DR C 2003 | P04 | 21/03/2024 |
| New public right of way plan, longitudinal section and cross section | YW.202043.02 MMB WWT WWT DR C 1102 | P02 | 21/03/2024 |
| Proposed constructed wetland outfall elevation plan | YW.202043.02 MMB WWT WWT DR C 2204 | P03 | 21/03/2024 |
| Planning statement | 70113565 | | 02/01/2024 |
| Coal Mining Risk Assessment Report | YW.202043.02- MMB -WWT-WWT- RA-G-0004 | 1 | 04/01/2024 |
| Flood risk assessment and outline drainage strategy | DR1UMP-WSP-XX- RP-D-000002 | | 04/01/2024 |
| Factual report on site investigation | D30024/00 | | 21/03/2024 |

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|--|------------------------------------|-----|------------|
| Landscape Mitigation and Management Plan | 70113565-LMMP-LA_0001 | P02 | 04/04/2024 |
| Landscape and Visual Appraisal | 70113565-LUD-S3-002 | | 04/01/2024 |
| ADDENDUM – Landscape and Visual Impact Appraisal | | | 29/03/2024 |
| Water Framework Directive Assessment | 70061334 | R1 | 02/01/2024 |
| Archaeological Watching Brief | 4025 | | 02/01/2024 |
| Historic Environment Desk-Based Assessment | 331001734 | 1 | 02/01/2024 |
| Preliminary Ecological Appraisal Report | 021-23 RE01 | 1 | 02/01/2024 |
| Arboricultural Survey Report | YW.202043.02-MMB-WWT-WWT-RP-Z-0001 | 4 | 14/08/2024 |
| Dearne Reach Integrated Constructed Wetland Positive Biodiversity Net Change Design Stage Report | YW.202043.02-MM-WWT-WWT-RP-Z-0008 | P01 | 08/04/2024 |
| Outline Construction Environmental Management Plan | YW.202043.02-MM-WWT-WWT-RP-Z-0011 | P01 | 21/03/2024 |
| Report on Exploratory Drilling at Dearne Reach, Clayton West Sewage Treatment Works | TD8602/FRpt02 | 02 | 28/05/2024 |
| Permit to Enter or Disturb Coal Authority Interests | | | 26/03/2024 |
| Written Scheme of Investigation for an Archaeological Evaluation | | 1.1 | 28/08/2024 |
| Probe Drilling Plan | YW.202043.02 | P01 | 26/03/2024 |

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|--|---|-----|------------|
| | MMB WWT WWT SK C 0002 | | |
| Biodiversity Metric | | | 08/04/2024 |
| Phase 2 Ground Investigation Report | YW.202043.02- MMB-WWT-WWT- RP-C-0001 | A | 14/05/2024 |
| Clayton West Ground Engineering Desk Study Report | YW202043 STA WTN WWT SY C 0004 | P01 | 15/05/2024 |
| Surface water management plan | YW.202043.02 MMB WWT WWT DR Z 0005 | P01 | 31/05/2024 |
| Archaeological Excavation | 4151 | | 27/06/2024 |
| Trial Trench Evaluation | 4118 | | 27/06/2024 |
| Flood Prevention Plan | YW.202043.02- MMB-WWT-WWT- RA-Z-0001 | P01 | 04/06/2024 |
| Technical Note | YW.202043.02- MMB-WWT-WWT- RP-Z0020 | | 02/08/2024 |
| Construction of a reed bed treatment system | YW.202043.02- MMB -WWT-WWT- RP-Z0021 | | 02/08/2024 |
| Bat and Barn Owl Protected Species Report | YW.202043.02-MM- WWT-WWT-RP-Z- 0009-A | P01 | 21/03/2024 |
| Otter, Water Vole, Kingfisher and WCC Protected Species Report | YW.202043.02-MM- WWT-WWT-RP-Z- 0010-A | A | 21/03/2024 |

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 has, 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.

Due to the time constraints required for funding, the applicant has sought to avoid pre-commencement conditions. As such the following additional information has been provided during the course of this application:

- Biodiversity Net Gain Calculations
- Protected Species Reports
- Construction Environmental Management Plan (CEMP)
- Ground Investigation Reports (Phase 1 and 2)

- Trial Trenching and Probe Drilling Plan
- Landscaping
- Water Management Plan
- Excavation and Trenching Summary
- Construction Environment Management Plan
- Preliminary Ecological Assessment
- Site Plan with related changes
- Flood Prevention Plan
- Dust Management Plan

Report Dated: 09/09/2024