

DATED.....2025

THE COUNCIL OF THE BOROUGH OF KIRKLEES

and

JOHNSONS WELLFIELD QUARRIES LIMITED

**Supplemental Agreement under Section 106A
of the Town and Country Planning Act 1990**

**Land at Blackmoorfoot Road Sands House Lane
Sandy Lane and Thewlis Lane Huddersfield**

THIS Agreement is made by way of DEED this day of 2025

BETWEEN

- (1) **THE COUNCIL OF THE BOROUGH OF KIRKLEES** of Town Hall, Huddersfield, West Yorkshire HD1 2TA (“**the Council**”); and
- (2) **JOHNSONS WELLFIELD QUARRIES LIMITED** (Co Reg No 00384620) whose registered office is at 5 Barr Street, Off Leeds Road, Huddersfield, HD1 6PB (“**the Owner**”).

BACKGROUND

- (A) On 9 June 2006 the Principal Agreement was entered into pursuant to planning permission 03/62/91691/WO binding land at Blackmoorfoot Road, Sands House Lane, Sandy Lane and Thewlis Lane, Huddersfield shown edged red on Plan A to the Principal Agreement
- (B) On 17 September 2012 the Principal Agreement was subsequently varied by the First Deed of Variation pursuant to planning permission 2009/93289/WO which amongst other things bound planning permission 2009/93289/WO to the Principal Agreement, introduced new drawings and made amendments to the provisions relating to the ‘Moorfield Quarry Advance Restoration’, ‘Waterholes / Wellfield Quarry Restoration’, ‘Waterholes Extension Restoration’ and ‘Moorfield Quarry Final Restoration’.
- (C) On 29 January 2014 a separate planning permission was granted pursuant to reference 2013/62/90793/W0 by the Council for ‘Mineral Extraction’. This development is unconnected to the development permitted by 03/62/91691/WO and 2009/93289/WO and is located on land primarily to the east of Thewlis Lane most of which is not bound by the Principal Agreement (as varied) but includes a small area of land to the west of Thewlis Lane which is bound by the Principal Agreement (as varied).
- (D) On 29 January 2014 the First Supplemental Agreement was entered into in connection with planning permission 2013/62/90793/W0 to exclusively vary the Principal Agreement (as varied) extending the final date for completion of the

'Waterholes Extension Restoration' (shown Purple on Plan C in the Principal Agreement) to 1 January 2030 with no other amendments being sought.

- (E) Pursuant to Section 73 of the Act planning permission 2019/70/90949/W was granted on 4 September 2019 permitting the development approved by permission 2013/62/90793/W0 without complying with condition 18 (crushing and screening operations) attached thereto and imposing a condition replacing the requirements of that condition 18.
- (F) On 15 July 2024 the Council validated planning application reference 2024/70/90357/W (the "**Planning Application**") made pursuant to Section 73 of the Act seeking removal of conditions 10, 12, 13, 14, 20, 33, 38, 39 and 40 and variation of conditions 1, 19, 24, 29, 34, 36 and 37 of previous permission 2019/90949 for variation of condition 18 (crushing and screening operations) of previous permission 2013/90793 for mineral extraction; the planning application boundary for 2013/62/90793/W0 and subsequent Section 73 variations 2019/90949 and 2024/70/90357/W being shown edged red on Plan 1 to this Agreement (the "**Land**").
- (G) The Council is the local planning authority for the purposes of the Act for the administrative area in which the Land and the land shown edged red on Plan A attached to the Principal Agreement is situated and is identified in the Principal Agreement as the authority by whom the obligations created by the Principal Agreement (as varied) are enforceable.
- (H) The Owner is the freehold Owner of that part of the Land to the west of Thewlis Lane that is bound by the Principal Agreement (as varied) that this Agreement seeks to vary and is registered at the Land Registry under title number WYK825845.
- (I) For information purposes only, the land to the east of Thewlis Lane that is not bound by the Principal Agreement and not subject to any planning obligation is owned by the Council as freehold proprietor and registered at the Land Registry under title number WYK823520 and leased to the Owner on a 15 year lease and registered at the Land Registry against title number YY49951.
- (J) To enable the development to come forward pursuant a Planning Permission to be granted in accordance with the Planning Application without breaching

obligations contained within the Principal Agreement the Principal Agreement requires varying so that the part of the Land that conflicts with the existing 'Waterholes/Wellfield Quarry Restoration' as currently shown edged brown on Plan C to the Principal Agreement is replaced with Plan 2 so that this area of Land takes free from the existing restoration obligation.

- (K) The Council are minded to approve the Planning Application referred to in Recital **Error! Reference source not found.** subject to the completion of this Agreement to the effect that the obligations in the Principal Agreement are modified so that the development applied for in planning permission 2024/70/90357/W if permitted may be carried out without breaching the obligations in the Principal Agreement.

OPERATIVE PARTS

1 Definitions

- 1.1 All words and phrases defined in the Principal Agreement (as varied) have the same meaning in this Agreement unless explicitly stated otherwise.
- 1.2 The following definitions apply in this Agreement only:

Expression	Meaning
The Act	The Town and Country Planning Act 1990.
First Deed of Variation	the agreement dated 17 September 2012 expressed as being made pursuant to Section 106 of the 1990 Act and supplemental to the Principal Agreement but entitled 'Deed of Variation' between the Council of the Borough of Kirklees (1) Johnson Wellfield Quarries Limited (2) and Wilfred Sykes and Richard Sykes (3).
First Supplemental Agreement	the agreement dated 29 January 2014 expressed as being made pursuant to Section 106 of the 1990 Act and expressed as the second supplemental agreement to the Principal Agreement (as varied) between the Council of the Borough of Kirklees (1) Johnson Wellfield Quarries Limited (2) and Wilfred Sykes and Richard Sykes (3).

Land	the land at Plan 1 showing the land that is subject to the Planning Application (part of which is bound by the Principal Agreement (as varied)).
Plan 1	the plan appended to this Agreement showing the Land indicatively edged red and referenced 'The Restoration Landform TL1181-D7 Rev C'.
Plan 2	the plan indicatively edged brown and referenced 'Plan C (Rev A)' which subject to the terms of this Agreement is proposed as a substitute for 'Plan C' in the Principal Agreement showing the revised "Brown Area" 'Waterholes/Wellfield Quarry Restoration' (as referred to in Principal Agreement).
Planning Application	the planning application given reference 2024/70/90357/W submitted to the Council pursuant to Section 73 of the Act seeking removal of conditions 10, 12, 13, 14, 20, 33, 38, 39 and 40 and variation of conditions 1, 19, 24, 29, 34, 36 and 37 of previous permission 2019/90949 for variation of condition 18 (crushing and screening operations) of previous permission 2013/90793 for mineral extraction;
Principal Agreement	the agreement dated 9 June 2006 that restricts and regulates the development permitted by planning permission 2003/91691 which was made pursuant to (inter alia) Section 106 of the 1990 Act between the Council of the Borough of Kirklees (1) Johnson Wellfield Quarries Limited (2) and Wilfred Sykes and Richard Sykes (3) as varied by the First Deed of Variation and further varied by the First Supplemental Agreement.
Planning Permission	the planning permission subject to conditions that may be granted by the Council pursuant to the Planning Application

2 Legal effect

- 2.1 This agreement is made pursuant to both Section 106 and 106A of the Act Section 111 of the Local Government Act 1972 and all other enabling powers.
- 2.2 This agreement is conditional on the grant by the Council of the Planning Permission.

3 Variation of the Principal Agreement

- 3.1 The Parties agree to vary the Principal Agreement (as varied) as set out in Section 3.2 below but the Principal Agreement (as varied) shall otherwise remain in full force and effect (in so far as the obligations in the Principal Agreement (as varied) have not been discharged).
- 3.2 It is hereby agreed that the Principal Agreement is modified by the substitution of Plan C in the Principal Agreement with 'Plan C (Rev A)' shown at Plan 2 annexed hereto.

4 Costs

The Owner covenant to pay the legal costs of the Council in respect of the preparation and completion of this agreement in the sum of £2,000 on or before the date hereof

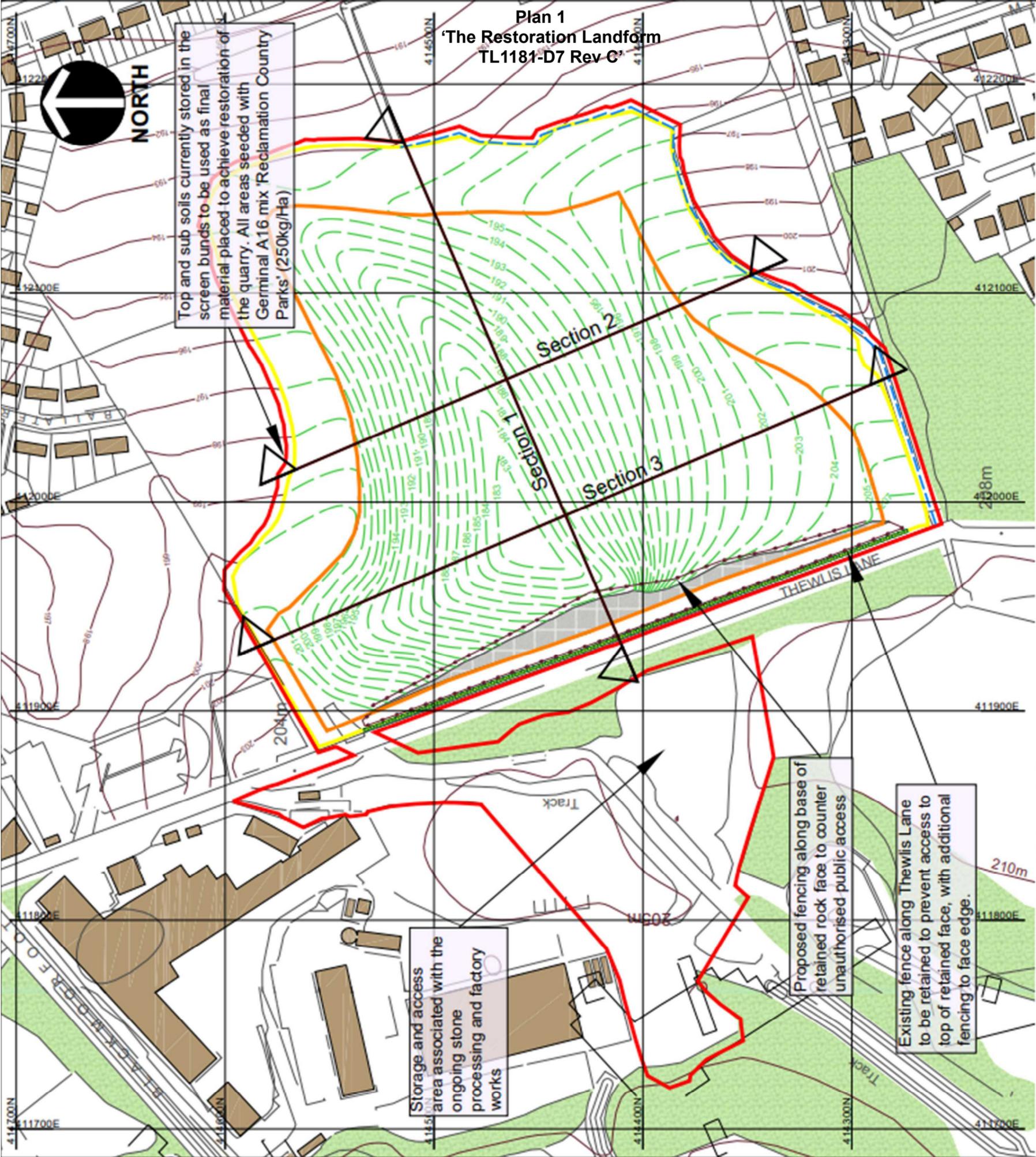
5 Third Party Rights

No person who is not a party to this Agreement may enforce any terms hereof pursuant to the Contracts (Rights of Third Parties) Act 1999

6 Governing Law

This Agreement is governed by and shall be interpreted in accordance with the laws of England and Wales.

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Plan 1
 'The Restoration Landform'
 TL1181-D7 Rev C'

Top and sub soils currently stored in the quarry. All areas seeded with Germinol A16 mix 'Reclamation Country Parks' (250kg/Ha) material placed to achieve restoration of the quarry. All areas seeded with Germinol A16 mix 'Reclamation Country Parks' (250kg/Ha)

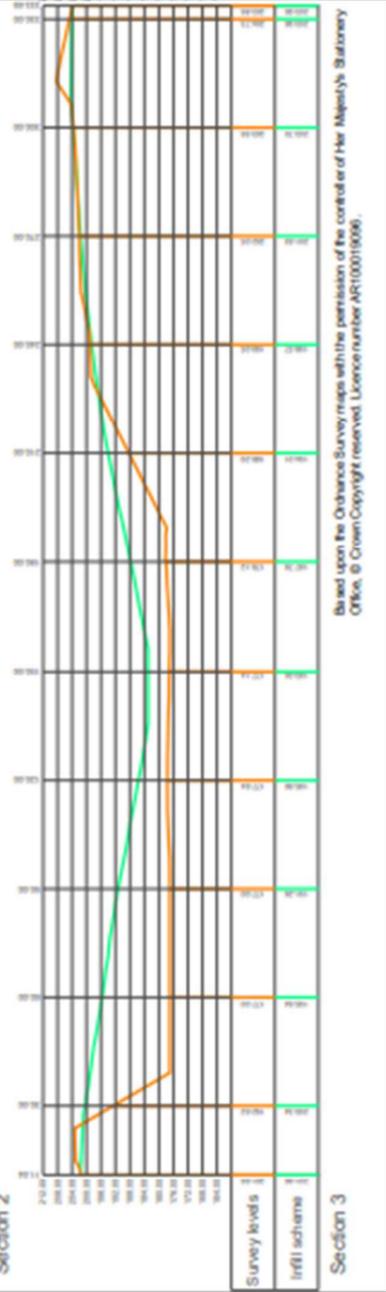
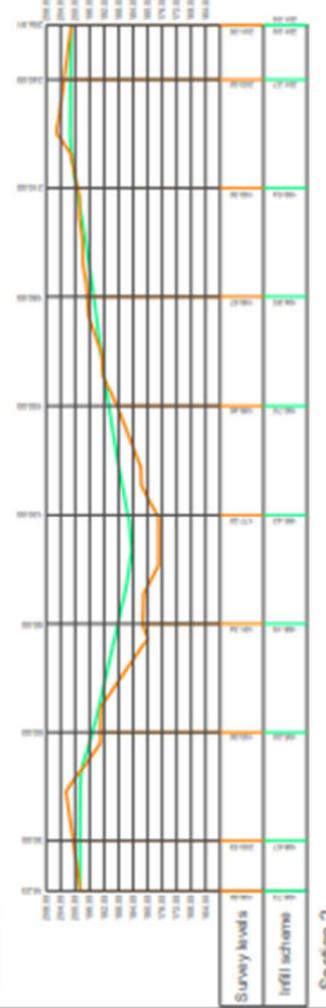
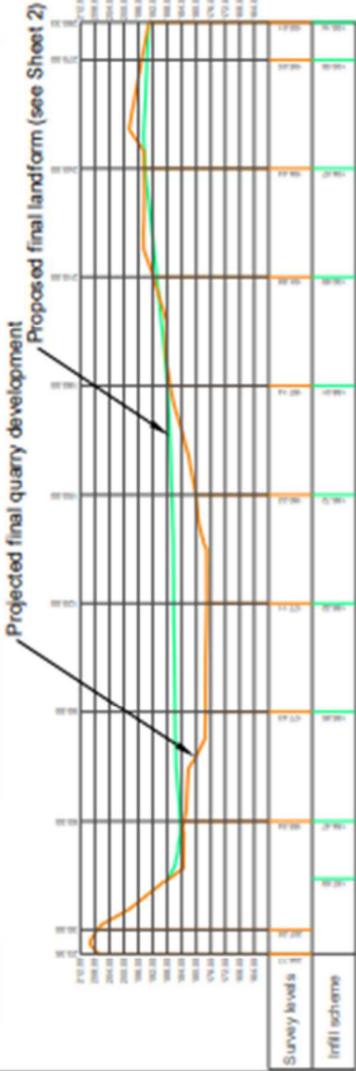
Storage and access area associated with the ongoing stone processing and factory works

Proposed fencing along base of retained rock face to counter unauthorised public access

Existing fence along Thewlis Lane to be retained to prevent access to top of retained face, with additional fencing to face edge.

Key

- Boundary of the planning consent (2013/62,907,93,WO)
- Boundary (edge) of quarry
- Boundary of overall landform change
- Bridleway route
- Proposed final quarry contours (after infilling)
- Retained geological feature (incorporated into final landform)
- Existing contours beyond immediate quarry site
- Proposed native species hedgerow alongside Thewlis Lane and retaining existing boundary fencing
- Background mapping information for housing and woodland



JOHNSONS WELLFIELD

Thewlis Quarry Restoration Scheme
 (Retaining the Western Rock Face)

The Restoration Landform

Client: JOHNSONS WELLFIELD
 Project: Thewlis Quarry Restoration Scheme (Retaining the Western Rock Face)
 Title: The Restoration Landform

BAA CAD Ref: TL1181-D7V5 Rev C
 Drawn by: RB
 Scale @ A3: Plan & Section 1:2000
 Origin Date: April 2024
 Amendment Date: 30-10-2024

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Drawing: TL1181-D7 Rev C
 Sheet 2

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IN WITNESS WHEREOF the parties hereto have executed this Agreement as a Deed on the date first appearing above

EXECUTED AS A DEED (but not delivered until the date hereof) by affixing **THE CORPORATE COMMON SEAL OF THE COUNCIL OF THE BOROUGH OF KIRKLEES** in the presence of: }

Authorised signatory

EXECUTED AS A DEED by **JOHNSONS WELLFIELD QUARRIES LIMITED** acting by a director in the presence of }

Witness
Signature

Witness name
(BLOCK CAPS)

Address

Occupation