

DATED.....2026

**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            2026

**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) The Principal Agreement was entered into in connection with the Original Planning Permission 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) The Principal Agreement was varied by the First Deed of Variation entered into in connection with the First Section 73 Permission.
- (C) The Principal Agreement was varied by the Supplemental Agreement entered into in connection with the Mineral Extraction Permission as it related to that part of the land bound by the Principal Agreement to extend the final date for the completion of the ‘Waterholes Extension Restoration’ (shown Purple on Plan C in the Principal Agreement).
- (D) The Principal Agreement was varied by the Second Deed of Variation entered into in connection with the Second Section 73 Permission.
- (E) The Land the subject of the Planning Application is bound by the Mineral Extraction Permission and the Second Section 73 Permission.
- (F) 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 are enforceable.

- (G) The Owner is the freehold Owner of the Land situated to the west of Thewlis Lane forming part of the land bound by the Principal Agreement.
- (H) For information purposes only the land to the east of Thewlis Lane that is not bound by the Principal Agreement is owned by the Council as freehold proprietor 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.
- (I) The Council are minded to approve the Planning Application subject to the completion of this Deed to the effect that the Principal Agreement is modified so that the part of the Land which conflicts with the existing 'Waterholes/Wellfield Quarry Restoration' shall be free from the restoration obligation in the Principal Agreement and that the Planning Permission is linked to the Principal Agreement.
- (J) The Council and the Owner agree that this Deed shall replace and supersede the Second Deed of Variation which from the date of this Deed shall have no further effect such that the obligations of the parties shall be governed solely by the terms of this Deed.

## **OPERATIVE PARTS**

### **1 Definitions**

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

<b>Expression</b>	<b>Meaning</b>
<b>The Act</b>	the Town and Country Planning Act 1990.
<b>First Deed of Variation</b>	the agreement dated 17 September 2012 entered into by the Council of the Borough of Kirklees (1) Johnson Wellfield Quarries Limited (2) and Wilfred Sykes and Richard Sykes (3).

<b>First Section 73 Permission</b>	the planning permission granted by the Council on 28 September 2012 with reference 2009/93289/WO to vary conditions 3, 9, 16 and 25 of the Original Planning Permission to allow a minor extension to the mineral extraction areas.
<b>Land</b>	the land edged red on Plan 1 showing the land that is subject to the Planning Application (part of which is bound by the Principal Agreement) registered at the Land Registry under title number WYK825845.
<b>Mineral Extraction Permission</b>	the planning permission granted by the Council on 29 January 2014 with reference 2013/62/90793/WO for mineral extraction.
<b>Plan 1</b>	the plan appended to this Deed showing the Land indicatively edged red and referenced 'The Restoration Landform TL1181-D7 Rev C'.
<b>Plan 2</b>	the plan appended to this Deed indicatively edged brown and referenced 'Plan C (Rev A)' which subject to the terms of this Deed 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 the Principal Agreement).
<b>Original Planning Permission</b>	the planning permission granted by the Council on 8 June 2006 with reference 2003/62/91691/WO.
<b>Planning Application</b>	the planning application given reference 2024/70/90357/W submitted to the Council pursuant to Section 73 of the Act seeking the removal of conditions 10, 13, 14, 20, 34, 36, 38, 39, and 40 and variation of conditions 1, 9, 12, 19, 24, 29, 30, 33 and 37 of the Second Section 73 Permission and the variation of condition 18 (crushing and screening operations) of the Mineral Extraction Permission.

<b>Planning Permission</b>	the planning permission which may be granted by the Council pursuant to the Planning Application.
<b>Principal Agreement</b>	the agreement dated 9 June 2006 entered into by 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 the Supplemental Agreement.
<b>Planning Permission</b>	the planning permission subject to conditions that may be granted by the Council pursuant to the Planning Application.
<b>Second Section 73 Permission</b>	the planning permission granted by the Council on 4 September 2019 with reference 2019/70/90949/W. permitting the development approved by the Mineral Extraction Permission without compliance with condition 18 (crushing and screening operations) attached thereto and imposing a condition replacing the requirements of that condition 18.
<b>Second Deed of Variation</b>	the agreement dated 7 November 2025 entered into by the Council of the Borough of Kirklees (1) and Johnson Wellfield Quarries Limited (2).
<b>Supplemental Agreement</b>	the agreement dated 29 January 2014 entered into by the Council of the Borough of Kirklees (1) Johnson Wellfield Quarries Limited (2) and Wilfred Sykes and Richard Sykes (3).

## **2 Legal effect**

- 2.1 This Deed 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 Deed is conditional on the grant by the Council of the Planning Permission.
- 2.3 The Second Deed of Variation shall be determined and its provisions of no effect from the date of this Deed.

### **3 Variation of the Principal Agreement**

- 3.1 The Parties agree to vary the Principal Agreement as set out in Clause 3.2 below but agree that the Principal Agreement shall otherwise remain in full force and effect (in so far as the obligations in the Principal Agreement 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 covenants to pay the legal costs of the Council in respect of the preparation and completion of this agreement in the sum of £2000 on or before the date hereof.

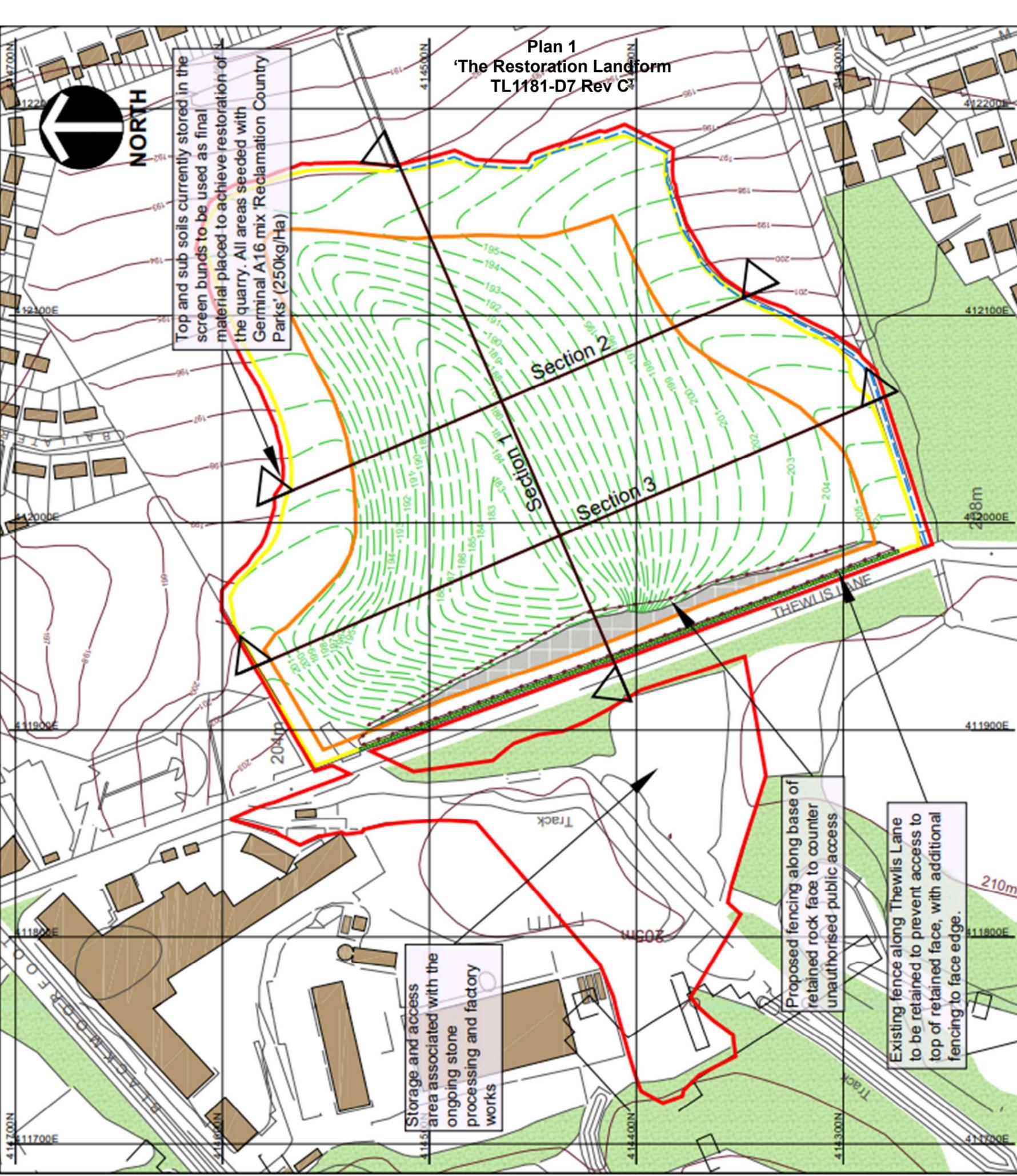
### **5 Third Party Rights**

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

### **6 Governing Law**

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

## Plan 1



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

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

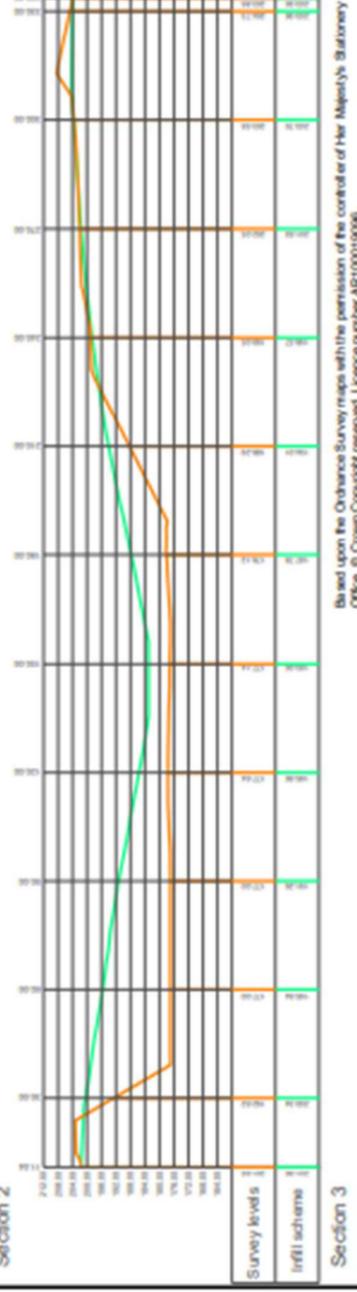
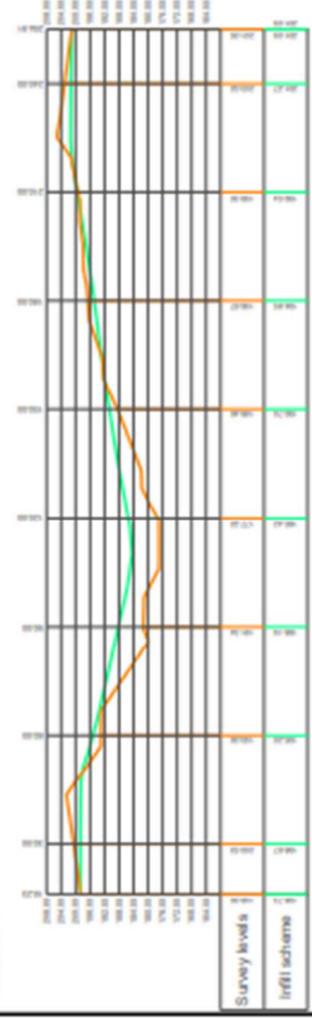
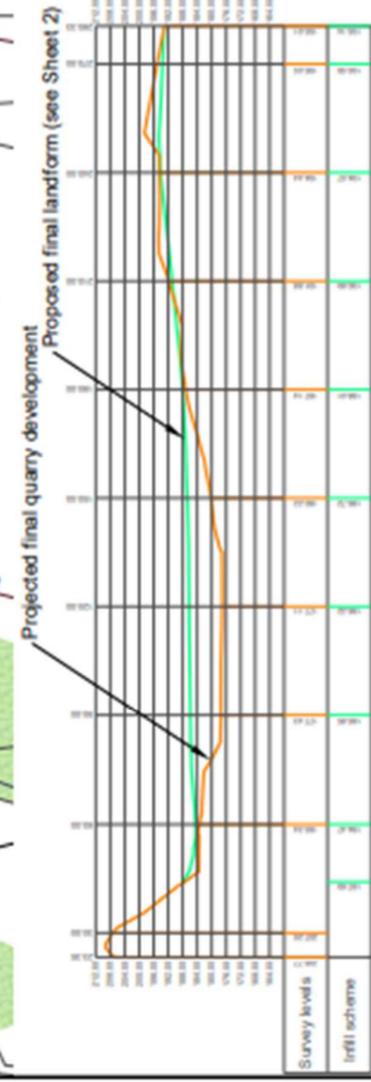
Proposed fencing along base of retained rock face to counter unauthorised public access

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

Plan 1  
The Restoration Landform  
TL1181-D7 Rev C

Key

- Boundary of the planning consent (2013/62/90793/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

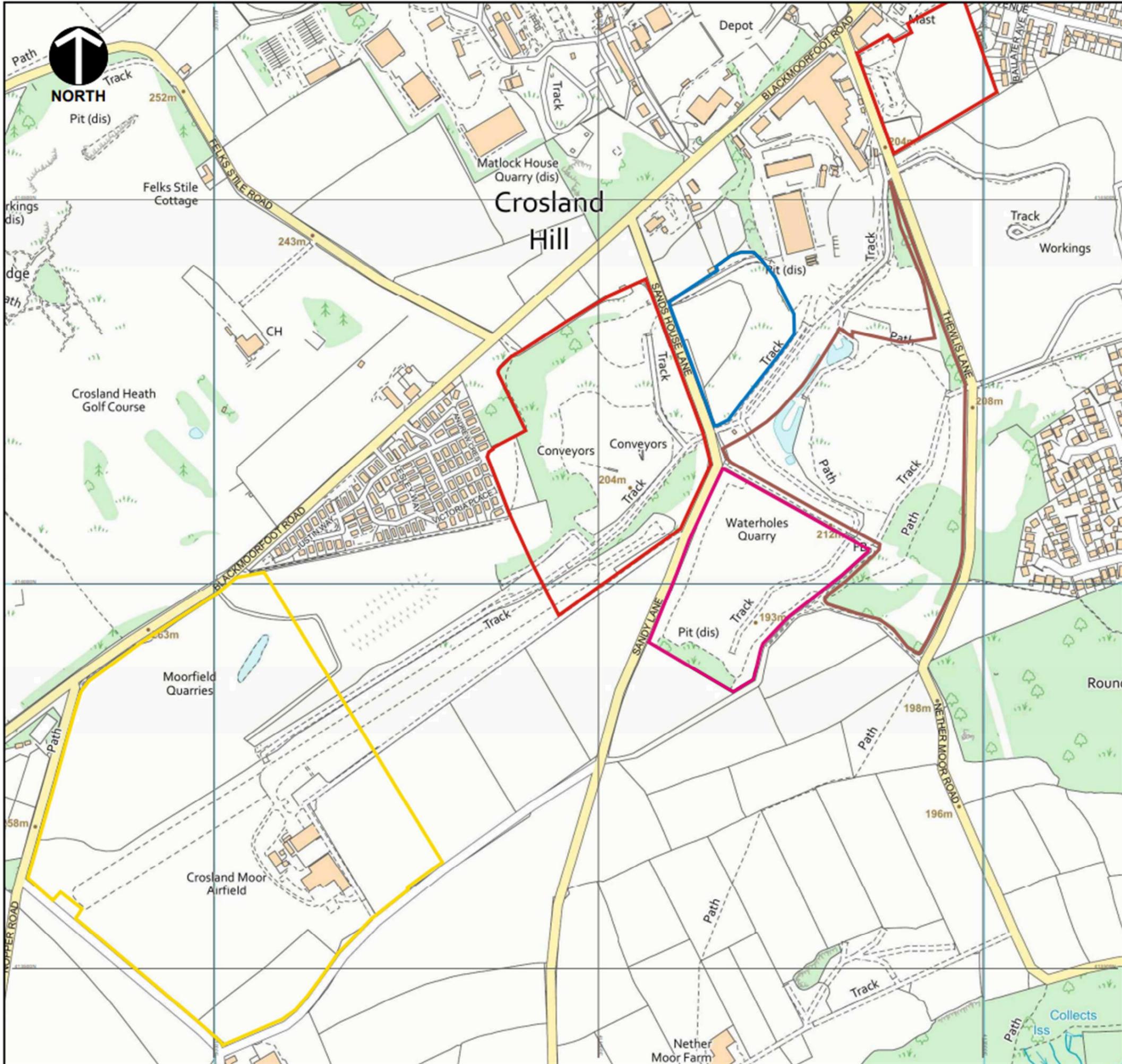
BSA CAD Ref: TL1181-D7V5 Rev C  
 Drawn by: RB  
 Scale @ A3: Plan & Section 1:2000  
 Origin Date: April 2024  
 Approved Code: 30-10-2024

bright & associates  
 Landscape and Environmental Consultants  
 151180 777 www.brightassociates.co.uk  
 Registered Practice Landscape Institute

Drawing: TL1181-D7 Rev C Sheet 2

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Plan 2  
'Plan C (Rev A)'

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Client: **JOHNSONS WELLFIELD**



Project: **Legal Documentation**

Title:  
**PLAN C**

BSA CAD Ref: TL1181-D8v3	Version: 3	Drawn by: RB	Scale @ A3: Plan 1:5000	Origin Date: June 2025 Amendment Date: -----
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Registered Practice **Landscape Institute**

Drawing:  
**TL1181-D8**

**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 .....