

# Appeal at Shepley Road, Stocksmoor

## Suggested Conditions

**Appeal reference:** APP/Z4718/W/25/3375000

**Application reference:** 2024/91242

**Site:** Land north east of, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW

**Description of development:** Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure

**Appellant:** Newett Homes

**Date:** 10<sup>th</sup> February 2026

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 following documents, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence:

- Site Location Plan – Drawing number: Z159.001
- Planning Layout – Drawing number: Z159.100 Rev G
- Landscape Masterplan – Drawing number: H24-0004\_001 Rev A
- House Type Pack – Reference: Z159.007 April 2024
- Boundary Treatments Plan – Drawing number: Z159.004
- Materials Plan – Drawing number: Z159.004
- Secure by Design Layout – Z159.008
- Feasibility Layout – Sheet 1 – Drawing number: 24071-LE-00-ZZ-DR-D-0001 Rev P4
- Proposed Contour plan – Drawing number: 24071-LE-00-ZZ-DR-D-0004 Rev P4
- Proposed Centre Line Long Sections – Drawing number: 24071-LE-00-ZZ-DR-D-0005 Rev P3
- Vehicle Tracking – Drawing number: 24071-LE-00-ZZ-DR-D-0006 Rev P3
- Stone Wood Lane Existing Road Dimensions Sheet 1 – Drawing number: 24071-LE00-ZZ-DR-D-0100 Rev P2
- Stone Wood Lane Existing Road Dimensions Sheet 2 – Drawing number: 24071-LE-00-ZZ-DR-D-0101 Rev P2
- Stone Wood Lane Feasibility Layout Highway Improvements Sheet 1 – Drawing number: 24071-LE-00-ZZ-DR-D-0110 Rev P3
- Stone Wood Lane Feasibility Layout Highway Improvements Sheet 2 – Drawing number: 24071-LE-00-ZZ-DR-D-0111 Rev P3
- POS Overlay Plan – Drawing number: P25-2788\_DE\_01\_B\_002
- Topographical Survey – Sheet 1 of 4 – Drawing number: 2161 Page 1
- Topographical Survey – Sheet 2 of 4 – Drawing number: 2161 Page 2
- Topographical Survey – Sheet 3 of 4 – Drawing number: 2161 Page 3
- Topographical Survey – Sheet 4 of 4 – Drawing number: 2161 Page 4
- Indicative Cross Section – Drawing number: Z159.009
- Indicative Streetscenes – Drawing number: Z159.007 Rev A
- Proposed Indicative Engineering Levels – Drawing number: Z159
- Arboricultural Assessment – Rev A, dated 23.04.24
- Ecological Impact Assessment and Biodiversity Net Gain Assessment – Reference: 424.065101.00001, Rev 2 dated 24 April 2024
- Flood Risk Assessment and Drainage Strategy – Reference: 20547-FRADS-001
- Landscape and Visual Appraisal – Rev B, dated 24 April 2024
- Noise Impact Assessment – Reference: NIA-10692-23-10857-v2 Shepley Road
- Preliminary Geoenvironmental Investigation – Reference: 4594/1A.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the development is carried out to an appropriate standard of design, and to accord with Policies LP11, LP19, LP20, LP21, LP24, LP27, LP28, LP30, LP33, LP34, LP35, LP52, LP53 and LP63 of the Kirklees Local Plan.

3. Development shall not commence until a detailed design scheme for foul water, surface water and land drainage has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
  - An agreed discharge rate of 6.2 l/s indirectly or directly to watercourse;
  - Attenuation for the critical 1 in 100 + climate change rainfall event;
  - Attenuation construction details and design;
  - Plans and longitudinal sections;
  - Hydraulic calculations;
  - Phasing of drainage provision;
  - A risk assessment and method statement, in accordance with the CDM Regulations 2015, for access to and into the attenuation structure;
  - A maintenance and management plan for surface water infrastructure; and
  - Evidence that the submitted drainage scheme has been discussed with, and agreed by, Network Rail.

No part of the development shall be first occupied or brought into use until the drainage scheme has been provided on the site in accordance with the details thereby approved, and the drainage scheme shall be retained, managed and maintained in accordance with the approved details thereafter.

**Reason:** To ensure the provision of a satisfactory drainage scheme and reduce the risk of flooding associated with the proposed development, and to ensure that the scheme would not adversely affect the safety, operational needs and integrity of the adjacent railway, in accordance with Policies LP19, LP27 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that drainage measures are devised and agreed at an appropriate stage of the development process.

4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing local public sewerage, have been completed in accordance with the details which shall first have submitted to and approved in writing by the local planning authority in accordance with **[Condition 3 – condition requiring submission and approval of drainage strategy]** of this permission.

**Reason:** To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the public sewer network.

5. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge which shall first have been submitted to and approved in writing by the local planning authority under the requirements of **[Condition 3 – condition requiring submission and approval of drainage strategy]** of this permission.

**Reason:** In the interests of satisfactory and sustainable drainage.

6. Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre-and post-development between the development and the surrounding area (both upstream and downstream of the development), and details of any necessary mitigation measures to satisfactorily deal with such events, have been submitted to and approved in writing by the local planning authority.

No part of the development shall be first occupied or brought into use until any necessary mitigation measures to satisfactorily deal with such events have been completed in accordance with the details thereby approved, and those measures shall be retained as such thereafter.

**Reason:** To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

7. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- Details of the phasing of the development and the phasing of temporary drainage provision;
- Details of methods of preventing silt, debris and contaminants entering existing drainage systems and watercourse and how the flooding of adjacent land is to be prevented;
- A plan showing the location of temporary attenuation storage during construction, and supporting calculations, which shall be based on the critical 1 in 2 year storm. It should be assumed that once the site has been stripped, the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per hectare.

The temporary surface water drainage works shall be implemented in accordance with the details and phasing thereby approved. No phase of the development shall commence until the temporary surface water drainage works for that phase have been completed in accordance with the details thereby approved. The temporary surface water drainage scheme shall be retained in accordance with the details thereby approved until the permanent surface water drainage scheme for the development is in place and functioning and until written notification of this has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure the safe and sustainable drainage of the site during construction and prevent pollution of the water environment in accordance with Policies LP19, LP27 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that appropriate temporary surface water drainage is approved and installed for the construction phase before construction commences.

8. No groundworks (other than those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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 Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified, and suitable remediation measures are agreed, at an appropriate stage of the development process.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to **[Condition 8 – Phase II report condition]** further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified, and suitable remediation measures are agreed, at an appropriate stage of the development process.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to **[Condition 9 Remediation Strategy condition]**. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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. 189 and 190 of the National Planning Policy Framework.

12. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of:

- a) Any phasing of development and a timetable of all works;
- b) Hours of construction works and hours of deliveries;
- c) Access to the site for construction vehicles;
- d) Construction vehicle sizes and routes;
- e) Numbers and times of construction vehicle movements;
- f) Locations of HGV waiting areas and details of their management;
- g) Parking for construction workers;
- h) Storage, loading and unloading of plant and materials;
- i) Signage;
- j) Temporary drainage arrangements, including details of the disposal of surface water from the development, including methods to manage silt;
- k) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site in association with the construction process, including the provision of adequate wheel washing facilities within the site;
- l) Street sweeping;
- m) Actions to be taken to minimise adverse impacts by effectively controlling noise and vibration arising from all construction-related activities. This should include suitable restrictions on the hours of working on the site, including times of deliveries;
- n) Actions to be taken to effectively control dust arising from all construction-related activities, including measures to monitor and record the emissions of dust during construction;
- o) Actions to be taken to minimise adverse impacts arising from artificial lighting used in connection with all construction-related activities and with the security of the construction site, including any potential adverse impacts on the nearby ancient woodland;
- p) A communications plan including details of a resident liaison officer, their contact details, and how this will be communicated to nearby residents and the local authority;
- q) Engagement with the developers of any nearby sites to agree any additional measures that may be required in relation to cumulative impacts (in the event that construction is also to be carried out at any nearby sites during the same period).

All construction works shall be carried out in complete accordance with the CEMP thereby approved, which shall be implemented throughout the full duration of construction works on site.

**Reason:** In the interests of highway safety, to protect the water environment and nearby ancient woodland from pollution and to safeguard the amenities of the occupants of nearby properties, in accordance with Policies LP21, LP24, LP30,

LP34 and LP52 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to avoid obstruction to the highway network, avoid increased risks to highway safety, protect the water environment and nearby ancient woodland, and prevent or minimise amenity impacts are devised and approved at an appropriate stage of the development process.

13. Development shall not commence, including ground works, until a survey of the existing condition of the highways in the vicinity of the site has been submitted to and approved in writing by the local planning authority. The extent of highway to be surveyed shall be agreed with the local planning authority in advance. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings.

Upon completion of the development hereby permitted, a post-construction survey of the previously-agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to the local planning authority for its approval in writing. Once approved by the local planning authority, the remedial works thereby approved shall be carried out following the completion of all construction works, and shall be completed prior to the occupation of the 45<sup>th</sup> dwelling hereby permitted.

Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby permitted be identified during the construction period, remediation of those highways defects shall also be implemented in accordance with details, and a timetable, to be submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of highway safety, to ensure the effective maintenance of the Highway and in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that an adequate survey of the surrounding road network is undertaken to establish a baseline position, prior to associated construction traffic causing potential impact.

14. Development shall not commence until a scheme detailing the design of proposed retaining walls adjacent to the existing highway and/or the proposed adoptable highway, together with any proposed modifications to existing highway retaining walls, has been submitted to and approved in writing by the local planning authority. The scheme thereby approved shall be fully implemented prior to the commencement of the development, and shall thereafter be retained and maintained as such for the life of the development.

**Reason:** To ensure that the stability of the highway is not detrimentally affected by the development, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that measures to protect the stability of the highway are satisfactorily addressed, devised and approved at

the appropriate stage of the development process, before any works commence on the development.

15. Development shall not commence until a scheme detailing the location and cross-sectional information, together with the proposed design and construction details, for all new surface water attenuation tanks/pipes/manholes within the proposed highway footprint or influence zone of highway loading has been submitted to and approved in writing by the local planning authority.

The scheme thereby approved shall be implemented prior to the commencement of the development, and shall thereafter be retained and maintained as such for the lifetime of the development.

**Reason:** This pre-commencement condition is required to ensure that the design and details of new surface water attenuation tanks/pipes/manholes are agreed at an appropriate stage of the development, in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

16. Development shall not commence until preliminary design details associated with the proposed site access and associated works, as shown on drawing 24071-LE-00-ZZ-DR-D-0001-P4, have been submitted to and approved in writing by the local planning authority. The details shall include:

- Geometric design of the works, including widths, radii, and horizontal & vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- Road markings and signage;
- The extent of the proposed highways boundary;
- Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers' Responses and Agreed RSA Actions, covering all aspects of these works.

The site access and associated works shall be implemented in accordance with the details thereby approved, and shall be made fully operational prior to first occupation of the development and shall thereafter be retained and maintained as such for the lifetime of the development.

**Reason:** To ensure the free and safe use of the highway, in the interests of highway safety and amenity, and in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of the road proposed site access are devised and approved at an appropriate stage of the process.

17. Notwithstanding the details on the submitted plans, development shall not commence until details of the proposed estate streets within the development have been submitted to and approved in writing by the local planning authority. The submitted details shall be based on the layout shown on Planning Layout drawing

number: Z159.100 Rev G (or as amended to enable an adoptable standard layout to be achieved), and shall include:

- a) Geometric design of the street layout, including widths, radii and horizontal and vertical alignment;
- b) Surface treatments;
- c) Junction visibility and forward visibility splays, and their treatment;
- d) Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- e) Street tree locations and species to be planted;
- f) Road markings;
- g) A 'highway areas plan' which confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and shared private drives;
- h) A Stage 1 Road Safety Audit (RSA), based on an approved RSA Brief, Designers' Responses and Agreed RSA Actions, covering all aspects of these works.

The estate streets within the development shall be implemented in accordance with the details thereby approved, and shall thereafter be retained and maintained as such for the lifetime of the development.

**Reason:** To ensure the free and safe use of the highway, in the interests of highway safety and amenity, and in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of the road layout are devised and approved at an appropriate stage of the process.

18. Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance, until an Arboricultural Method Statement, in accordance with British Standard BS5837: 2012, including a Tree Protection Plan, has been submitted to and approved in writing by the local planning authority.

The method statement shall include details of protection measures for existing trees and hedgerows within the site, and any trees outside but close to the boundaries of the site, including within the adjacent ancient woodland, and details of how construction works will be undertaken to prevent damage to those trees and their roots.

The development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan thereby approved. No part of the development shall commence, including site preparation or clearance, until all tree protection measures have been installed in complete accordance with the details thereby approved, and those measures shall be retained and maintained throughout the full duration of construction works on the site.

**Reason:** To protect retained trees within, and in close proximity to, the site, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures are designed, agreed and installed prior to any works being carried out which may adversely affect trees within and close to the site.

19. No part of the development hereby permitted shall be first occupied or brought into use until a scheme of passing place improvements and associated works on Stone

Wood Lane and on the section of Shepley Road between the site and Stone Wood Lane has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall be based on the details on drawings 24071-LE-00-ZZ-DR-D-0110-P3 (Sheet 1) and 24071-LE-00-ZZ-DR-D-0111-P3 (Sheet 2), and shall include:

- Geometric design of the works, including widths, radii, and horizontal & vertical alignment;
- Surface treatments and construction details;
- Landscaping works and vegetation clearance;
- Road markings and signage;
- A Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers' Responses and Agreed RSA Actions, covering all aspects of these works.

No part of the development hereby approved shall be first occupied or brought into use until the scheme of passing place improvements and associated works has been fully implemented and completed in accordance with the detailed thereby approved and has been made fully operational.

**Reason:** To ensure the free and safe use of the highway, in the interest of highway safety and amenity, and in accordance with Policy LP21 of the Kirklees Local Plan.

20. Development shall not commence until a Pollution Prevention Plan, detailing measures to be implemented and actions to be taken to prevent pollution to the stream in the eastern corner of the site, and to the nearby ancient woodland, during the construction of the development, has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in complete accordance with the Pollution Prevention Plan thereby approved, for the full duration of the construction of the development. The development shall not commence until any mitigation measures identified in the Pollution Prevention Plan have been installed or implemented in accordance with the details thereby approved, and such measures shall be retained as such for the duration of the construction of the development.

**Reason:** To ensure that there are no adverse impacts on the nearby ancient woodland during the construction of the development.

This pre-commencement condition is necessary to ensure that measures to avoid adverse impacts on the nearby ancient woodland during construction are identified and approved at an appropriate stage of the development process.

21. No works or development shall commence, including groundworks and vegetation clearance, until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include:

- a) A risk assessment of potentially damaging construction activities, which refers to the most up-to-date, site-specific survey information as required in accordance with [Condition 22 – updated survey condition];
- b) Identification of “biodiversity protection zones”, where appropriate;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when a suitably-qualified ecologist needs to be present on site to oversee works;
- f) Responsible persons and their contact details;
- g) The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
- h) The use of protective fences, exclusion barriers and warning signs, where appropriate.

The development shall be carried out in complete accordance with the CEMP: Biodiversity thereby approved, for the full duration of the construction of the development.

The development shall not commence until any mitigation measures identified in the CEMP: Biodiversity have been installed or implemented in accordance with the details thereby approved, and such measures shall be retained as such for the duration of the construction of the development.

**Reason:** This pre-commencement condition is necessary to ensure that details of measures to protect biodiversity are agreed at an appropriate stage of the development process, to protect biodiversity during construction by avoiding direct impacts to protected species and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance, until an updated ecological site walkover survey has been completed, and until the following details have been submitted to and approved in writing by the local planning authority:

- A copy of the updated site walkover survey, including any recommendations arising as a result of that survey;
- Up-to-date surveys for \_\_\_\_\_ and for any other relevant species identified as requiring further survey work as a result of the updated site walkover survey; and
- Details of any necessary mitigation measures to protect those species as part of the development, including a Precautionary Working Method Statement(s) for each of those species, detailing all precautionary working methods in respect of the relevant species;
- A timetable for the implementation of any necessary mitigation measures.

The development shall thereafter be carried out in accordance with the details thereby approved.

Any necessary mitigation measures shall be implemented in accordance with the details and timetable thereby approved, and no part of the development shall be first occupied or brought into use until a report prepared by a suitably-qualified ecologist demonstrating the implementation of the mitigation measures in accordance with the approved details has been submitted to and approved in writing by the local planning authority.

**Reason:** This pre-commencement condition is necessary to ensure that any potential effects on protected species are identified, based on up-to-date information, and any necessary mitigation measures are considered, formulated and approved before any works commence on site, to protect ecology and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

23. Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance until a Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians has been submitted to and approved in writing by the local planning authority. The PWMS shall include, but not necessarily be limited to:

- Toolbox talks provided by a suitably-qualified ecologist;
- Attendance of an Ecological Clerk of Works as required; and
- Careful hand search around potential reptiles and amphibians features.

In the event of any reptile(s) and/or amphibian(s) being encountered, all work shall cease until Natural England (for those species of reptiles and amphibians which would require a licence from Natural England) and the Ecological Clerk of Work have been contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of the advice received, and provided with the contact details of the Ecological Clerk of Works.

**Reason:** This pre-commencement condition is necessary to ensure that appropriate measures to protect these protected species during works are formulated and approved prior to works commencing on site, to protect ecology and biodiversity, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

24. Development shall not commence until an invasive non-native species survey has been carried out and an invasive non-native species protocol (to include the results of that survey) has been submitted to and approved in writing by the local planning authority. The protocol shall detail the measures for the identification, containment, control and appropriate removal of any invasive non-native species on the site. The development shall thereafter be carried out in accordance with the details thereby approved.

**Reason:** This pre-commencement condition is necessary to ensure that adequate measures are devised and agreed at an appropriate stage to protect biodiversity by preventing the accidental spread of non-native plant species within and outside the site during and after development, in accordance with Policy LP30 and LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

25. Development shall not commence until a site-specific construction methodology, addressing relevant matters and requirements with reference to works in proximity to the adjacent railway, has been submitted to and approved in writing by the local planning authority. The construction methodology shall include:

- Details of measures to address the matters and requirements in the 'Network Rail Standard Informatives', document, received as an attachment to the email comments from Network Rail, received by email 22<sup>nd</sup> January 2025;
- Full details of any excavations and/or earthworks which are to be carried out in the vicinity of the railway undertaker's boundary fence;
- Details of any lighting to be installed in connection with all construction-related activities and with the security of the construction site, including measures to eliminate the potential for train drivers to be dazzled by such lighting, and measures to eliminate the potential for confusion with signalling arrangements on the railway.

The submitted construction methodology shall demonstrate consultation with the Asset Protection Team at Network Rail.

The development shall thereafter be carried out in complete accordance with the construction methodology thereby approved.

**Reason:** This pre-commencement condition is necessary to ensure that appropriate working methods are considered, devised and approved at an appropriate stage, before development commences, having regard to the site's proximity to the adjacent railway line, and in the interests of amenity and of the safety, operational needs and integrity of the railway, and in accordance with Policy LP19 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

26. Development shall not commence until full details of all excavations and earthworks to be carried out near to the railway undertaker's boundary fence have been submitted to and approved in writing by the local planning authority, in consultation with the railway undertaker. Any such works shall thereafter only be carried out in full accordance with the details thereby approved.

**Reason:** This pre-commencement condition is necessary to ensure that appropriate working methods are considered, devised and approved at an appropriate stage, before development commences, having regard to the site's proximity to the adjacent railway line, and in the interests of amenity and of the safety, operational needs and integrity of the railway, and in accordance with Policy LP19 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

27. Development shall not commence until details of proposed boundary treatments between the site and the adjacent railway line have been submitted to and approved in writing by the local planning authority. The submitted proposals shall include:

- A trespass-proof fence, no less than 1.8m high, adjacent to Network Rail's boundary, including plans and elevations, and details of its materials and colour; and

- An Armco or similar barrier, to be located in positions where vehicles may be in a position to drive into, or roll onto, the railway or damage the lineside fencing, including plans and elevations, and details of its materials and colour;
- A timetable for the installation of the proposed boundary treatments, relative to the commencement and/or carrying out of works on site.

The boundary treatments shall be installed in accordance with the details and timetable thereby approved, and shall thereafter be retained in accordance with the details thereby approved.

**Reason:** In the interests of the safety, operational needs and integrity of the railway, and to ensure the satisfactory appearance of the development, in accordance with Policies LP19 and LP24 of the Kirklees Local Plan and Chapters 8, 9 and 12 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that appropriate boundary treatments are devised, and installed, at an appropriate stage, including any boundary treatments necessary to protect the adjacent railway line during the construction process.

28. Notwithstanding the submitted details, development shall not commence until full details of proposed site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. The submitted details shall include a topographic survey showing existing site levels, for reference.

The development shall be carried out, and thereafter retained, in accordance with the details thereby approved.

**Reason:** For the avoidance of doubt as to the proposed development levels, in the interests of visual and residential amenity, and in accordance with Policy LP24 of the Kirklees Local Plan.

29. Development shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- a) A statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person or organisation to undertake the works;
- c) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

The development shall be carried out in complete accordance with the WSI thereby approved. The development shall not be occupied until the results of the scheme of archaeological investigation have been published, disseminated and/or deposited in accordance with the programme thereby approved.

**Reason:** To secure and safeguard provision for the investigation and recording of archaeology on site which may be affected by the works, in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework,

This pre-commencement condition is necessary to ensure that a scheme of archaeological investigation and recording is formulated, approved and carried out at the appropriate stage of the development, before works commence on site.

30. Notwithstanding the submitted details, no works above ground level shall commence on any of the dwellings hereby permitted until details of the proposed fenestration of all dwellings, including window details and the provision of heads and sills to all properties, have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the details thereby approved, and shall thereafter be retained as such.

**Reason:** In the interests of visual amenity and ensuring consistency of design approach between all dwellings, in accordance with Policies LP11 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

31. Notwithstanding the submitted details, no works shall commence above ground level on the construction of any of the dwellings hereby permitted until details and samples of all external materials for the proposed dwellings, including all external walling and roofing materials, have been submitted to and approved in writing by the local planning authority.

Samples of the proposed materials shall be made available on site for the inspection of the local planning authority, which shall be notified in writing of their availability for viewing on site.

The development shall then only be constructed using the materials thereby approved, and shall be retained as such thereafter.

**Reason:** To ensure a high quality development with regard to design, and having regard to the character and appearance of the site and its surroundings, in accordance with Policy LP24 of the Kirklees Local plan and Chapter 12 of the National Planning Policy Framework.

32. Notwithstanding the submitted details, no works above ground level shall commence on the construction of any of the dwellings hereby permitted until a scheme of hard and soft landscaping works for the development, including the areas of public open space (amenity greenspace and natural & semi-natural greenspace) proposed on the site, has been submitted to and approved in writing by the local planning authority. The submitted landscaping scheme shall include:

- a) Details of surfacing materials to hard-surfaced areas;
- b) Details of the design, height and facing materials to all retaining walls;
- c) Details of all boundary treatments, including the provision of a solid boundary treatment, with no gates or other means of access, along the boundary between the site and the adjacent ancient woodland to the south east;
- d) Details of all planting and soft landscaping within the site, including planting plans, details of species and planting schedules, and including details of planting designed to discourage access into the areas of the site closest to the adjacent ancient woodland;
- e) Details of the management and maintenance of the proposed landscaping;

- f) Evidence that the submitted landscaping scheme has been discussed with, and agreed by, Network Rail insofar as it relates to new landscaping and planting within the vicinity of the boundary between the site and the adjacent railway.

The development shall be carried out in complete accordance with the details thereby approved. All hard landscaping works shall be completed in accordance with the details thereby approved prior to the first occupation of the development (with any hard landscaping within individual dwelling plots to be completed prior to the first occupation of the dwelling to which that hard landscaping relates). All soft landscaping works shall be completed in accordance with the details thereby approved by no later than the end of the first planting season following the substantial completion of the development.

**Reason:** To ensure the appropriate landscaping of the development in the interests of visual amenity and providing green infrastructure and protecting the safety, operational needs and integrity of the railway, and in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

33. If, within a period of 5 years from the completion of the soft landscaping scheme pursuant to Condition [32 - previous condition relating to provision of a landscaping scheme] of this permission, any tree, shrub or hedge planted should die, become damaged or diseased, or be removed, it shall be replaced in the next planting season with another of similar size and species, in a similar location.

**Reason:** To ensure the establishment and maintenance of a satisfactory scheme of soft landscaping, in the interests of visual amenity and providing green infrastructure, and in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

34. No works above ground level shall commence on any of the dwellings hereby permitted until details of the Local Area of Play (LAP) to be provided on site, as shown indicatively on plan ref: Z159.010 Rev G, have been submitted to and approved in writing by the local planning authority. The details shall include the type of play equipment to be installed within the LAP. The approved scheme shall be fully implemented in accordance with the details thereby approved.

**Reason:** To ensure adequate provision of play equipment, in accordance with Policy LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

35. No works above ground level shall commence on the development until an Ecological Design Strategy, setting out measures for the ecological enhancement of the site as part of the development, has been submitted to and approved in writing by the local planning authority. The Ecological Design Strategy shall be based on the measures in Section 4.9 of the submitted Ecological Impact Assessment and Biodiversity Net Gain Assessment (Reference: 424.065101.00001, Rev 2) prepared by SLR and dated 24 April 2024 and shall include, but not necessarily be limited to, the following details:

- a) Nature conservation objectives for the proposed works;

- b) Detailed design(s) and /or working methods to achieve the stated objectives;
- c) Plans showing the area(s) and details of the proposed works;
- d) A timetable for the implementation of the proposed works, relative to the carrying out of the development;
- e) Details of initial aftercare and long-term maintenance;
- f) Details for the monitoring of the work and identification and implementation of any remedial measures;

The Ecological Design Strategy shall be implemented in accordance with the details and timetable thereby approved, and managed and maintained in accordance with the approved details thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

36.No works above ground level shall commence on any of the dwellings hereby permitted until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. The HMMP shall be prepared in accordance with the Biodiversity Gain Plan (BGP) for the development, once the BGP has been approved, and shall include:

- a) A non-technical summary;
- b) Details of the roles and responsibilities of the people and/or organisation(s) delivering the HMMP;
- c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved BGP;
- d) The management measures to maintain habitat in accordance with the approved BGP for a period of at least 30 years from the completion of the development;
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat.

Within 15 working days of the HMMP being implemented, written notice shall be provided to the local planning authority that the HMMP has been implemented.

Within 15 working days of the habitat and enhancement works set out in the HMMP having been completed, written confirmation of the completion of those works shall be provided to the local planning authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the HMMP thereby approved. Monitoring reports shall be submitted to the local planning authority in accordance with the methodology and frequency specified in the approved HMMP.

**Reason:** To ensure the management and maintenance of on-site biodiversity enhancements, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

37.Notwithstanding the details submitted, no works above ground level shall commence on the development hereby permitted until a Sustainability and Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of how sustainable construction

measures and measures to reduce energy use will be incorporated as part of the proposed dwellings.

The development shall be carried out in accordance with the details thereby approved. No individual dwelling shall be first occupied until all sustainable construction measures and measures to reduce energy use proposed as part of that dwelling have been installed in accordance with the details thereby approved, and those measures shall be retained as such thereafter.

**Reason:** To secure a sustainable form of construction, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework

38. Notwithstanding the details submitted, no works above ground level shall commence on the dwellings hereby permitted until details of security and crime prevention measures to be installed and incorporated as part of the dwellings and the development have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in complete accordance with the details thereby approved. No individual dwelling shall be first occupied until the security and crime prevention measures for that dwelling have been fully installed in accordance with the details thereby approved, and they shall be retained as such thereafter.

**Reason:** To ensure that appropriate security and crime prevention measures are incorporated as part of the development, in the interests of the safety and security of the development and its occupants, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

39. Notwithstanding the details submitted, the development hereby permitted shall not be first occupied or brought into use until a Full Travel Plan for the development has been submitted to and approved in writing by the local planning authority. The Full Travel Plan shall include, but not necessarily be limited to:

- a) Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- b) The provision of a Travel Plan Co-ordinator, including roles, responsibilities and annual monitoring;
- c) The provision of travel information;
- d) Implementation and review timescale; and
- e) Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Full Travel Plan thereby approved shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

**Reason:** In the interest of promoting sustainability and sustainable travel, by promoting alternative methods of travel, in accordance with Policy LP20 of the Kirklees Local Plan.

40. No dwelling shall be occupied until all areas and associated features to be used by vehicles and pedestrians to access that dwelling (including streets, footpaths, cycle tracks, loading, servicing and parking areas), and all such areas and features within the plot for that dwelling, have been laid out, surfaced and drained such that loose materials and surface water do not discharge or transfer onto the adjacent highway. All such areas shall thereafter be retained and maintained as such for the lifetime of the development.

**Reason:** To ensure the free and safe use of the highway, in the interests of highway safety and in accordance with Policy LP21 of the Kirklees Local Plan.

41. None of the dwellings hereby permitted shall be first occupied until details of the provision of secure cycle parking for each dwelling have been submitted to and approved in writing by the local planning authority.

No individual dwelling shall be occupied until the secure cycle parking for that dwelling has been provided in accordance with the details thereby approved, and it shall be retained as such thereafter.

**Reason:** To encourage travel by means other than the private car, in accordance with Policy LP21 of the Kirklees Local Plan.

42. No part of the development shall be first occupied or brought into use until details of the proposed arrangements for the storage and collection of waste from the development have been submitted to and approved in writing by the local planning authority. The submitted information shall include details of any temporary arrangements for the collection of waste from the development if properties are to be occupied before the whole site is complete, including measures to allow waste to be stored/presented at an accessible location adjacent to the nearest adopted highway.

The arrangements for the storage and collection of waste, including any temporary arrangements during construction, shall be provided before the dwellings to which they relate are first occupied and, upon completion of the development, the permanent arrangements for the storage and collection of waste shall be retained as such thereafter.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste management, including during the construction phase prior to the streets becoming adopted highway, in the interests of visual and residential amenity and highway safety, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

43. No individual dwelling shall be first occupied until an electric vehicle charging point for that dwelling has been installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority, and has been made operational. An electric vehicle charging point shall thereafter be retained for the dwelling in accordance with the details thereby approved.

**Reason:** To encourage the use of sustainable forms of transport use, in accordance with Policy LP21 of the Kirklees Local Plan.

44. No part of the development shall be first occupied or brought into use until full details of the lighting scheme for the development (upon its completion and occupation) has been submitted to and approved in writing by the local planning authority. The lighting scheme shall include:

- A sensitive lighting strategy, incorporating appropriate measures to demonstrate and ensure that the proposed lighting would not impact upon ecological networks or sensitive features, including protected species and the nearby ancient woodland;
- Details of measures to eliminate the potential for train drivers to be dazzled by such lighting, and measures to eliminate the potential for confusion with signalling arrangements on the railway.

The development shall thereafter be carried out in complete accordance with the lighting scheme thereby approved. No external lighting shall be installed on the site other than in accordance with the details thereby approved.

**Reason:** To ensure an appropriate lighting strategy, to protect ecology and biodiversity, including the nearby ancient woodland, and in the interests of amenity and of the safety, operational needs and integrity of the railway, and in accordance with Policies LP19 and LP30 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework.

45. All clearance and removal of vegetation from the site shall be undertaken outside of the bird breeding season, March to August inclusive. If any vegetation clearance or removal is to be carried out within the bird breeding season period, all potential bird nesting opportunities shall be checked by a suitably-qualified ecologist within the 24 hour period immediately prior to the works taking place. If any active nests are present, work which may cause the destruction of nests or disturbance to the resident birds shall cease until the young have fledged.

**Reason:** To ensure the protection of biodiversity, including protected species, during the works, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

46. The development hereby permitted shall be carried out in accordance with the Noise Impact Assessment, reference: NIA-10692-23-10857-v2 Shepley Road, prepared by Environmental Noise Solutions Limited and dated 5<sup>th</sup> April 2024.

**Reason:** In the interests of the amenity of occupants of the proposed residential development.

#### Informative Notes

1. 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.

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.

2. The developer is advised that separate approval(s) will also be required for the proposed development under other regulations, including the Building Regulations.
3. The discharge of Condition [Condition 17 - requiring details of internal estate roads/potential revised adoptable layout] does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.
4. The applicant is advised that it is their responsibility to inform the potential purchasers of any properties served by any unadopted streets that the streets will remain unadopted, and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are summarised at paragraph 3.17 of the Kirklees Highway Design Guide SPD (<https://www.kirklees.gov.uk/beta/planning-policy/pdf/highway-design-guide-spd.pdf>) and described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': <https://assets.publishing.service.gov.uk/media/62e7b821d3bf7f75b9121a6a/advice-note-highways-adoption.pdf>

The applicant is also advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-private-streets-and-advance-payments.pdf>

5. The discharge of [Condition 16 – requiring preliminary design details associated with the proposed site access] does not constitute Technical Approval of the site access works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works.

The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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.

6. The discharge of [Condition 19 – requiring details of passing place improvements on Stone Wood Lane] does not constitute Technical Approval of the off-site highway works under Section 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.

This process will involve entering into a Section 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Interference with the highway without such permission is an offence which could lead to prosecution.

7. [Condition 42 – waste storage and collection condition] is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. For further information regarding the Waste Collection Authority requirements, see the following guidance note: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>
8. With reference to [Condition 15 – requiring ‘a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading’], please see <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf> for further details and in particular, for the certification of oversize pcc manholes and their cover slabs, as advised in this document.

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a

full risk evaluation report with particular reference to their proposed inspection, structural assessment, and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450-Inspection of Highway structures.

Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

9. The lighting strategies for the development, as referred to in **[Conditions 12 and 44 – conditions requiring lighting strategic during and post-construction]** of this decision shall be developed in accordance with relevant guidance, for example the *Bats and Artificial Lighting at Night* document (2023), produced by the Bat Conservation Trust and Institute of Lighting Professionals.

11. With regard to **[Condition 43 – Electric Vehicle charging point condition]**, the developer is advised that:

- Approval under the Building Regulations may also be required, and the developer is advised to contact their Building Control Provider for further information in this regard;
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity, and the installation must comply with all applicable electrical requirements in force at the time of installation;
- To future-proof the development, the developer is encouraged to provide the Electric Vehicle Charging Points in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group.

12. With regard to **[Conditions 25 and 26 – Excavations and earthworks near railway boundary conditions]**, the developer is advised that:

- All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no

interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail Asset Protection.

- Where development may be affecting underground workings next to the railway, consultation with the Asset Protection Engineer and the Network Rail Principal Mining Engineer should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

13. With regard to **[Condition 32 – landscaping condition]**, the developer is advised of the following comments received from Network Rail:

*“It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be position at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;*

*Acceptable:*

*Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorn (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat “Zebrina”*

*Not Acceptable:*

*3 Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)”*

14. With regard to the drainage proposals for the development, including details to be submitted with regard to **Condition(s) [All drainage conditions]**, the developer’s attention is drawn to the following comments received from Network Rail:

- “We ask that all surface and foul water drainage from the development area be directed away from Network Rail’s retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.”
- Water must not be caused to pond on or near railway land either during or after any construction-related activity.

- The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.
- The construction of soakaways within any lease area is not permitted.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

15. The developer's attention is drawn to the following advice and comments received from Network Rail regarding the proposed development:

- "Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability."
- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 4.0m of the railway boundary. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.
- Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Interface Manager.
- Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the

stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Interface Manager before the development can commence.

- Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works. Where the works have the potential to introduce ground movements, Network Rail may require the monitoring of track and other assets, the works shall only be carried out in accordance with the approved method statement and design.
- Any scaffold which is to be constructed within 10 metres of the railway boundary fence and has the potential to collapse within 4 meters of the Network Rail boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Approval of the method statement and design must be obtained from Network Rail's Asset Protection Engineer.
- Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Interface Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.
- "From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Interface Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability."
- Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.
- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any

future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

- All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
- "There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance."
- The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

16. With reference to **[Condition 29 – Archaeological recording condition]**, the developer is advised that details of the necessary archaeological work, in the form of a specification, will be provided to the developer on written request, by the West Yorkshire Archaeology Advisory Service (WYAAS). The WYAAS would also be responsible for monitoring the work of the archaeological contractor commissioned by the developer to undertake this work.

17. With reference to **[Condition 24 – invasive non-native species survey and protocol condition]**, the species referred to shall include, but not necessarily be limited to, those listed in Schedule 9(II) of the Wildlife and Countryside Act 1981 (as amended).

18. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at:

[www.gov.uk/government/organisations/mining-remediation-authority](http://www.gov.uk/government/organisations/mining-remediation-authority) .