Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/91904/E

To: Chris Ballam,
MWP Planning
10, Dob Royd
Shepley
Huddersfield
HD8 8AU

For: M COLEMAN, MONE BROTHERS EXCAVATIONS LTD

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

REPLACEMENT OF THE EXISTING RECYCLING AND WASTE TRANSFER STATION WITH THE ERECTION OF A WASH PLANT

At: TEMPLE QUARRY, LILEY LANE, GRANGE MOOR, HUDDERSFIELD, WF4 4EN

In accordance with the plan(s) and applications submitted to the Council on 05-Jul-2024, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP43, LP44, LP46 and LP52 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Use of the wash plant and all operations associated to it shall permanently cease by 30/04/2032 and all plant, equipment and machinery associated with the wash plant shall be removed and the site shall thereafter be restored in accordance with the details approved pursuant to planning permission 2019/93371.
Reason: In the interest of the environment and amenity, to accord with the approved restoration scheme for the site and compliance with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

4. The maximum number of heavy goods vehicles (HGVs) trips to and from the site shall not exceed 30 in and 30 out on any single day. The totals stipulated in this condition are cumulative and include the HGVs using the site entrance (in and out) under planning permission reference 2019/93371 for the existing operational quarry.
Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policy LP21 and the National Planning Policy Framework.

5. All commercial vehicles leaving the application site shall have their wheels and chassis cleaned before they enter the public highway.
Reason: In the interests of the free and safe use of the highway and to prevent material being deposited on the access road or highway in accordance with Kirklees Local Plan Policies LP21 and LP44.

6. Except in the event of emergencies, to maintain safe quarry working or when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Mineral Planning Authority is notified of the emergency within the following 24 hours

a) no operations other than water pumping, servicing, environmental monitoring and testing of planting shall be carried out at the site except between the following times:

- 07:00 – 18:00 hours
- 08.00 - 14.00 Saturdays
- with no working at all on Sundays or Bank Holidays.

b) no servicing, maintenance and testing of plant shall be carried out at the site between 22:00 and 07:00 hours on any day and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents, environmental conditions and to accord with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

7. Noise produced by the operation of the site including backfilling with imported waste and restoration shall not exceed a limit of 45 db(A) laeq (1 hour) Free Field) at the nearest noise sensitive property except at Nineveh south east of the site where it shall not exceed a limit of 47 db (A) Laeq (1 hour).
Reason: In the interests of local amenity and to safeguard the amenities of nearby residents in compliance with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

8. The noise control measures set out in paragraph 9.16 of the supporting statement, dated June 2024, shall be adhered to at all times.
Reason: In the interest of local amenity and to accord with Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

9. The dust mitigation and management measures set out in paragraphs 9.19 and 9.20 of the supporting statement dated June 2024, shall be adhered to at all times.
Reason: In the interest of local amenity and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

10. Only inert demolition rubble, concrete, bricks, soils, plastic, wood and metal shall be imported into the site for recycling/washing.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

11. There shall be no discharge of foul or contaminated drainage/water from the site into either groundwater or surface waters, whether direct of via soakaways.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow points should be detailed to discharge downwards into the bund.
Reason: To prevent the pollution of land, groundwater and surface water and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

13. No waste materials shall be burnt on the site.
Reason: To protect the amenity of nearby residents and to accord with Kirklees Local Plan Polices LP44 and LP52 and guidance within the National Planning Policy Framework.

14. In the event of prior cessation of the wash plant and all operations associated to it for a period of six months, all waste, contaminated materials, buildings, plant, equipment and machinery associated with such use shall be removed and the site shall be restored in accordance with the approved restoration scheme and timescale pursuant to planning permission reference 2019/93371.
Reason: To ensure the satisfactory restoration of the site and to accord with Kirklees Local Plan Policies LP44 and LP52 and guidance within the National Planning Policy Framework.

See link below to full informative advice and comments from the Coal Authority (now the Mining Remediation Authority), dated 22/07/2024:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f91904

See link below to planning permission 2019/93371:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93371

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	10244-01		08/07/2024
Proposed site plan and topographical survey	10244-02		12/07/2024
Proposed wash plant and C&D recycling plant, layout plan	SP1352 01A		08/07/2024
Supporting Statement	Dated June 2024		08/07/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre- application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Other than seeking clarity regarding the works proposed and agreement to amend the development description, no other negotiations were considered necessary.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 20-Dec-2024

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/91904/E.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: **dc.admin@kirklees.gov.uk**

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL