

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order
2015 - Schedule 2, Part 18, Class A1

DELEGATED DECISION FOR DISCHARGE OF CONDITION A1 - NOTIFICATION OF A PROPOSED DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDER

Reference no. 2025/CL/92793/W

Site Address	Slaithwaite Reservoir, Bank Gate, Slaithwaite, Huddersfield, HD7 5XE
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Description	Prior approval under part 18 for measures in the interest of safety under section 10 of the Reservoirs Act 1975, comprising upgraded spillway, earthworks and ancillary works
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Recommending Officer	Victor Grayson
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DECISION – Prior Notification – Approve details

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 06-Feb-2026

Officer Report

Application number: 2025/92793

Site: Slaithwaite Reservoir, Bank Gate, Slaithwaite

Proposal: Measures in the interest of safety under section 10 of the Reservoirs Act 1975, comprising upgraded spillway, earthworks and ancillary works.

The proposed development would increase the capacity of the spillway at Slaithwaite Reservoir. The upgraded spillway would be constructed predominantly within the footprint of the existing spillway and would involve the following works (as described in the applicant's submission):

- Refurbish upper drop shaft and culvert;
- Refurbish the concrete surface of the upper spillway and minor works to spillway walls;
- Improve the operation of the upper penstock;
- Stabilisation of any loose material on the bank sides of the existing "rocky gorge";
- Remove the existing vegetation, which has self-seeded within the "rocky gorge";
- Concrete fill of approximately 5m depth into the lower end of the "rocky gorge" and new walls on either side of the channel to contain flows;
- Existing dwarf wall to be removed and walls along the right side (looking downstream) of the spillway over the tunnel to be removed;
- New pedestrian accesses for inspection and maintenance;
- New vehicular access across the reservoir embankment for construction and ongoing operation, inspection, service and maintenance access;
- Works to infill existing tunnel under spillway channel and second drop shaft;
- New 'U' shaped channel constructed on top of existing spillway channel, widened to 5m width at upstream end and to tie in with existing spillway at downstream end (approximately 3.15m), with external visible walls to be clad with a natural stone finish;
- Existing vegetation along the top of the adjacent northeastern embankment to remain undisturbed where possible (any bank stabilisation works TBC at the application stage); and
- Potential repairs required downstream from the final culvert weir.

The applicant's submission also states that a work compound area would be required to facilitate the proposed development. This would be provided at the toe of the embankment.

The applicant's submission adds that, during the construction phase, a temporary construction vehicle access would be required from Holme Lane and through part of the curtilage of an adjoining residential property, and that this land would be reinstated after works are complete. In this respect, the proposed development differs to the development previously considered under prior approval application 2025/91013.

The proposal described above constitutes development as defined within Section 55 of the Town and Country Planning Act 1990.

Site description

The application site is Slaithwaite Reservoir, off Bank Gate in Slaithwaite. The applicant has stated that the site is approximately 1.8 hectares in size and incorporates the eastern section of the reservoir including the dam, embankment, bywash, spillway and a small amount of water space at the crest. The site also includes land where a temporary site compound area is proposed, and where a temporary construction access route is now proposed through the curtilage of an adjoining residential property.

Nearby buildings at Bank Gate Mill are Grade II listed. Slaithwaite Viaduct is also Grade II listed, and is within the Slaithwaite Conservation Area.

Relevant legislation

The applicant seeks prior approval for the proposal under Class A (development under local or private Acts or Order) of Part 18 (Miscellaneous development) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Class A of Part 18 of Schedule 2 of the GPDO relates to “development under local or private Acts or Order”, and permits the following development:

A. Development authorised by —

- (a) a local or private Act of Parliament,*
- (b) an order approved by both Houses of Parliament, or*
- (c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)*

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

The above allowance is subject to conditions A.1 and A.2, which state:

A.1 Development is not permitted by Class A if it consists of or includes —

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or*
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,*

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that —

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*

History of negotiations / amendments received

2024/20686 – Pre-application advice request relating to works to Slaithwaite Reservoir. Advice issued 13/08/2024.

Following the determination of prior approval application 2025/91013, the applicant enquired as to whether a construction access point could be introduced on Holme Lane, close to and northwest of the piers of Slaithwaite Viaduct. This would involve the use of land within the curtilage of a residential property adjacent to the application site, and would require the loss of more trees than previously envisaged.

In an emailed response dated 28/08/2025, officers raised concerns that the required 2.4m x 43m visibility splay (which would need to be measured to the nearside kerb line) may not be possible at the proposed vehicular access point, given the curve in Holme Lane / Nabbs Lane, the viaduct piers, the lack of an opposite footway, and the parking that occurs on this stretch of road (which forces vehicles coming uphill to drive in the middle or on the wrong side of the road). Without that visibility, officers would not be able to advise that a construction access point in this location would be sufficiently safe. However, if a vehicle speed survey demonstrated that typical drive speeds were less than 30mph, a shorter splay could be accepted.

During the life of the current prior approval application (2025/92793), the applicant provided responses to officer queries regarding the previously-imposed conditions, vehicle movements and other matters.

Relevant planning history

2024/20263 – Environmental Impact Assessment Screening Opinion request relating to measures in the interests of safety under section 10 of the Reservoirs Act 1975 comprising upgraded spillway, earthworks, and ancillary works. Decision (confirming EIA not required) issued 25/04/2024.

2025/91022 – Listed building consent granted 11/06/2025 for creation of new spillway channel for Slaithwaite (Hill Top) Reservoir requiring construction of concrete retaining walls including associated engineering operations and works at Bank Gate Mill.

2025/91013 – Prior approval (under Part 18) granted 23/06/2025 for measures in the interest of safety under Section 10 of the Reservoirs Act 1975, comprising upgraded spillway, earthworks and ancillary works.

2025/20400 – Environmental Impact Assessment Screening Opinion request relating to measures in the interests of safety under section 10 of the Reservoirs Act 1975 comprising upgraded spillway, earthworks, and ancillary works. Decision (confirming EIA not required) issued 24/07/2025.

2025/21221 – Environmental Impact Assessment Screening Opinion request relating to measures in the interests of safety under section 10 of the Reservoirs Act 1975 comprising upgraded spillway, earthworks, and ancillary works. Decision (confirming EIA not required) issued 28/01/2026.

Planning policy

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

Kirklees Local Plan (2019)

The site is unallocated in the Local Plan. To the west of the dam, the waters of the reservoir are within the Green Belt.

Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP19 – Strategic transport infrastructure
- LP21 – Highways and access
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP29 – Management of water bodies
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic green infrastructure network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP50 – Sport and physical activity
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

Supplementary Planning Guidance / Documents and other documents

Relevant guidance and documents are:

- Highway Design Guide SPD (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Planning Applications Climate Change Guidance (2021)
- Public Rights of Way Improvement Plan (2010)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance

The National Planning Policy Framework (published in December 2024 and updated February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025. This document is at an early stage and may be subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Since March 2014 Planning Practice Guidance for England has been published online.

Public consultation

There is no requirement for applications for prior approval under Class A of Part 18 of Schedule 2 of the GPDO to be put to public consultation, however full details of the application were published on the council's website.

Consultation responses

KC Highways Development Management – The temporary site access appears acceptable, as the applicant has proposed suitable visibility and a pedestrian dropped crossing across the site access. Informative recommended regarding works to the highway.

KC Trees – The proposed plans will result in the loss of trees covered by TPO 37/95. Whilst the loss of protected trees is usually not permitted to facilitate development, the Canal and River Trust is classed as a statutory undertaker and are therefore exempt from the usual application process. The proposed plans are as sensitive as possible to the existing tree stock and there doesn't appear to be any alternative design options that would result in the retention of more of these trees. Based on the above points there would be no objection the proposed plans providing a planting scheme is submitted to mitigate the loss of these protected trees.

Assessment against Class A

The applicant considers the acts of parliament which authorised the construction and maintenance of canals to be private acts, which can be referred to as “enabling acts”. The enabling acts are considered to authorise the construction and maintenance of the canal and associated works including reservoirs.

The applicant has also set out that the primary function of Slaithwaite Reservoir is to hold water for the provision of the Huddersfield Narrow Canal. The canal was originally authorised under the Huddersfield Narrow Canal Act 1794, to which the Canal and River Trust are the successor to the canal company originally authorised by the Act.

The Act therefore authorises the canal company to:

- *Where [the canal company] shall think it necessary and convenient for the purpose of the said navigation and also from time to time, alter repair, amend, divert, widen and extend any reservoirs.*

Officers are satisfied that the acts to which the applicant has referred meet the test under Part 18 of the GPDO such that it is the relevant part of the GPDO for determining whether the proposed development is “permitted development”.

Assessment against conditions A.1 and A.2

With reference to condition A.1, the proposed development includes an alteration to parts of the existing dam, and includes an alteration to a means of access to a highway used by vehicular traffic (in this case, a dropped kerb is proposed at an existing vehicular access point on Holme Lane, and a temporary construction access from Holme Lane (with another, albeit temporary, dropped kerb) is also now proposed). The prior approval of the “appropriate authority” (in this case, the council) therefore needs to be obtained.

Condition A.2 states that the council must not refuse prior approval for the proposed development unless (a) or (b) apply. The applicant has argued that (a), which relates to possible alternative locations for the proposed development, need not be considered further by the council, as the wording of (a) excludes works to a dam. This is accepted, although – in any case – it is noted that the council could not reasonably expect the proposed development (which relates to an existing reservoir) to be carried out elsewhere. Regarding (b), consideration must be given to the design and external appearance of the proposed development, and whether it would injure the amenity of the neighbourhood. These matters are considered later in this report.

Assessment of material planning considerations

The conditions of Class A of Part 18 of Schedule 2 of the GPDO limit the range of planning considerations that can be taken into account by the council when deciding whether to issue a prior approval in relation to the proposed development. Condition A.2 refers to design and external appearance, and the amenity of the neighbourhood. As condition A.1 refers to highway works, it is considered appropriate to also carry out a limited assessment in relation to highway matters.

Design and external appearance

The proposed development involves the repair and replacement of existing features at Slaithwaite Reservoir. These would largely use the same materials as existing, and would be to the same designs. The proposals also include new elements and alterations, such as those proposed to the existing spillway.

At pre-application stage, officers advised that the walls of upgraded spillway should be clad in natural stone, given their visibility and proximity to adjacent listed buildings. The applicant has duly included this external material treatment in the proposed development, thus addressing this earlier concern.

This matter has already been considered under the parallel Listed Building Consent application 2025/91022. Under that consent, the following condition was imposed:

Notwithstanding the submitted details the retaining walls of the development hereby approved shall be externally clad in natural stone which shall be laid in courses to match the existing with all mortar pointing to be finished either flush or slightly recessed and no strap or ribbon pointing and thereafter be retained.

Reason: To provide a level of mitigation in relation to the less than substantial harm identified and in the interests of visual amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

The same condition was applied under prior approval application 2025/91013, and it is again recommended that the same condition be attached to the council's prior approval under this current application.

Under the previous prior approval application 2025/91013, the applicant proposed to use four existing highway access points during the construction phase. The applicant subsequently reconsidered this aspect of the proposals, and now proposes the creation of a temporary construction vehicle access through part of the curtilage of an adjoining residential property (off Holme Lane, close to and northwest of the viaduct piers). This would involve temporary changes to levels (created by bringing 4,820 cubic metres of material to the site), and the loss of more trees than was previously proposed under application 2025/91013.

Some of the proposed level changes are significant. For example, submitted section F confirms that, at chain 70.000, a temporary level increase of 4.78m is proposed (although this increase would be reduced to 1.78m once works are completed and the finished levels are formed). However, all the proposed level changes would be confined to the application site and would be within the valley and well below the dam crest, and the most significant level changes would be temporary. Due to their scale and nature, these works would not cause material physical changes in the topography of the wider area or landscape.

The temporary construction access would be removed once construction works are completed. The applicant has stated that the affected land would be reinstated, although it is noted that not all land would be reinstated to its current level. Those level changes that are permanent are not considered to be visually impactful, given their extent and location.

The proposed development, due to the inclusion of a temporary construction vehicle access through part of the curtilage of an adjoining residential property (off Holme Lane, close to and northwest of the viaduct piers), would result in a greater loss of trees than was previously proposed under application 2025/91013. This increase in loss is illustrated by the plans at Appendices 2 and 3 of the submitted Arboricultural Impact Assessment, and Appendix 1 lists 27 individual trees that would be removed and four tree groups that would be removed or partly removed. Some of these trees are protected by TPO 37/95. All trees to be removed are category B, C and U, except tree T20 (a beech), which is a category A tree. The submitted Tree Replanting Scheme document elaborates further, stating that 12 trees would be removed from the TPO area, and that 44 trees would be removed from the rest of the site.

The proposed tree removal work would be carried out under the Canal and River Trust's statutory powers.

For the retained trees, tree protection measures would be implemented.

The submitted Tree Replanting Scheme document describes the new tree planting proposed as part of compensation measures for the loss on site. A ratio of 1:5 will be undertaken for any tree removed within the TPO area and 1:3 for any tree removed elsewhere on site. To achieve this, 141 new trees would be planted on site, and further extensive tree planting is proposed at land above Tunnel End Reservoir, Marsden. All replacement trees would be native and of local provenance. The replacement planting would lead to a net increase in tree cover and would help to mitigate amenity impacts.

As per application 2025/91013, a condition regarding tree protection is recommended, however in light of the increased tree loss, it is further recommended that this condition be expanded to secure the implementation of the replacement tree planting detailed above.

Given the location, scale / extent and nature of the proposed development, it is considered that the wider landscape would not be harmed. This includes the Green Belt, which the waters of the reservoir are within.

With the above-mentioned conditions imposed, and given some of the proposed works would be temporary, the proposed development would cause less than substantial harm in relation to the significance of nearby heritage assets, and – with reference to paragraph 215 of the NPPF – that harm would be outweighed by the public benefits of the proposed development (namely, maintenance of public safety, and the maintenance of canal-related infrastructure that supports a canal network that provides significant leisure, health, access and biodiversity benefits to the public).

Given the above assessment, it is considered that the proposed development would comply with policies LP24, LP33 and LP35 of the Kirklees Local Plan, chapters 12 and 16 of the NPPF, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity of the neighbourhood

With design and conservation matters considered above, other neighbourhood amenity considerations relate to the amenities of neighbouring occupants.

It is understood that the now-proposed temporary construction vehicle access through part of the curtilage of an adjoining residential property (off Holme Lane, close to and northwest of the viaduct piers) would enable the faster completion of the works, and would therefore reduce the period of potential impacts affecting neighbouring amenity. This is welcomed.

Given the location, scale / extent and nature of the proposed development, it is considered that the future occupants of Bank Gate Mill (which has planning permission for a residential conversion, 2022/92459) would not be significantly adversely affected in relation to overshadowing, overlooking, natural light or noise. Other residential properties in the neighbourhood would similarly be unaffected or not significantly affected. The amenity of the adjoining residential property (through whose curtilage a temporary construction access route is now proposed) is likely to experience noise and vibration during the construction phase, however this would be for a temporary period.

Furthermore, given the location, scale / extent and nature of the proposed development, it is considered that the future operation of existing businesses in the surrounding area would not be adversely affected.

Highway matters

As noted above, it is understood that the now-proposed temporary construction vehicle access through part of the curtilage of an adjoining residential property (off Holme Lane, close to and northwest of the viaduct piers) would enable the faster completion of the works, and would therefore reduce the period during which construction traffic would move to and from the site along Slaithwaite's existing road network.

The volumes of construction traffic associated with the proposed works would be significant. The applicant's Environmental Impact Assessment Screening Opinion request submission stated that 4,820 cubic metres of material would be brought to the site, of which 2,420 cubic metres would be re-used in the permanent new features on-site (and, therefore, 2,400 cubic metres would need to be removed from the site). The applicant has stated that, in total, traffic associated with the scheme is calculated as 705 vehicle movements including those related to deliveries, set-up and demobilisation. This is a significant number, and these vehicles would need to move through Slaithwaite town centre (using Nabbs Lane, Church Street and Britannia Road, where there is significant pedestrian traffic and – in some locations – poor provision for pedestrians) in order to access the main road network. While this is unfortunate and could introduce new (albeit temporary) risks to pedestrians, no alternative arrangements or routes appear to be possible.

The temporary construction access now proposed initially triggered concerns (raised in an emailed response dated 28/08/2025) that the required 2.4m x 43m visibility splay could not be achieved at this location. However, at application stage the applicant has submitted a Construction Access Visibility Splay drawing (P12553-JNB-XP-001-002-DR-C-0050 rev P01), which illustrates adequate (2.4m x 43m) visibility splays in both directions. KC Highways Development Management have considered this proposal and drawing, and have confirmed that suitable visibility would be provided.

An appropriate temporary dropped kerb (which would essentially be an extension of the existing dropped kerb that serves the residential property) is also proposed close to and northwest of the viaduct piers.

The temporary construction access and temporary dropped kerb would be removed once construction works are completed.

The above temporary works would be implemented under Section 184 of the Highways Act 1980. A relevant informative has been recommended by K.C. Highways Development Management.

The applicant has confirmed that all construction vehicles (including HGVs) would be able to turn within the site, so they would not have to reverse out onto Holme Lane, and would instead be able to enter and leave in a forward gear.

The applicant also still proposes a permanent dropped kerb at the existing gated access on Holme Lane at the south end of the existing dam. This would serve a permanent, grass-surfaced maintenance access track across the dam, which is not required for the construction works. This proposal is considered acceptable. Holme Lane is not a classified road, is not heavily trafficked, and has reasonably good visibility having regard to likely vehicle speeds and the volume of traffic. A condition requiring details of the permanent dropped kerb is not considered necessary, however it is again noted that a standard informative is recommended. As with the temporary works considered above, the permanent dropped kerb works would be implemented under Section 184 of the Highways Act 1980, and it would be the council's crew (rather than the applicant's) that would carry out the works.

Under the previous prior approval application 2025/91013, queries were raised by the council's Public Rights of Way team. Those queries relating to footpath closures are not to be considered under this prior approval application. The queries relating to footpath reinstatement, surfacing and widths are considered relevant to this application, and an appropriate condition requiring the submission of relevant details is again recommended.

Other matters

Caveated works

Two aspects of the proposed development are subject to "to be confirmed" caveats. These are:

- Existing vegetation along the top of the adjacent northeastern embankment to remain undisturbed where possible (any bank stabilisation works TBC at the application stage); and
- Potential repairs required downstream from the final culvert weir.

The need for, and details of, these works have not been provided by the applicant. In light of this, an appropriate condition is recommended.

Drainage and flood risk

Drainage and flood risk are not among the relevant planning considerations set out in conditions A.1 and A.2. It is noted, however, that the proposed development would maintain and improve the safety and function of existing water infrastructure.

Biodiversity

Biodiversity is not among the relevant planning considerations set out in conditions A.1 and A.2, however the council's duty to conserve and enhance biodiversity is noted.

As noted in the recently-issued Environmental Impact Assessment Screening Opinion matrix (2025/21221), no relevant statutory or non-statutory nature conservation designations apply to the site. The closest statutory designation is the South Pennine Moors SSSI (and the related Special Area of Conservation and Special Protection Area), which is located over 2km west of the site. Most of the site is located within the

Wildlife Habitat Network, and the Huddersfield Narrow Canal (which is fed by Slaithwaite Reservoir) is designated as a Local Wildlife Site.

Due to the nature and scale of the project, and due to the protective measures set out in the applicant's submission, significant effects are not expected in relation to these designations.

The following protected species are known to be present in the area:

- Swift
- Twite
- Bat
- Water vole
- White clawed crayfish
- Floating water plantain
- Bluebell

There may also be other protected or sensitive species in the vicinity of the site which could be detrimentally impacted by the proposal.

The applicant's EIA Screening Opinion request submission stated that a Phase 1 habitat survey was carried out on 16/08/2023. Protected species surveys have been undertaken at the site for badger, otter, water vole, bats and white clawed crayfish. The surveys determined that these species are not present at the site, however, suitable habitat for water vole, otter, hedgehog, common lizard, grass snake and common toad exist, and transient populations of these species could be present.

Due to the scale, nature and location of the proposed interventions, risks to species are likely to be limited. The applicant's ecological surveys are now somewhat dated, however they provide background information of at least some use when assessing likely ecological impacts.

The applicant's submission states that that all potential risks to protected and/or notable species can be managed by implementing suitable Precautionary Working Method Statements, and various other protective measures are detailed. This is accepted.

It is also noted that several species (that may be present within or close to the site, and that could be impacted by the project) are granted protection under wildlife legislation in any case.

The proposed development – particularly due to the proposed tree felling, works to a water body and watercourse, and raising of levels – will initially have a detrimental effect on biodiversity. However, the adverse impacts would be limited by measures proposed by the applicant, some impacts would be temporary, and others would be mitigated by the proposed replacement tree planting. Given these provisions, and the need for the proposed works, the proposed development is considered acceptable in relation to biodiversity and ecological impacts.

Listed building consent

The recent changes to the proposed development do not affect the works approved under listed building consent 2025/91022. No new listed building consent application (to accompany this prior approval application) is therefore required.

Conditions

On 27/01/2026 the applicant agreed to the re-imposition of the conditions that were previously imposed under prior approval 2025/91013. These are duly recommended, albeit with document references (in conditions 3 and 4) updated.

On 05/02/2026 the applicant further agreed to condition 3 being expanded to secure the implementation of the replacement tree planting proposed in the applicant's Tree Replanting Scheme document.

Conclusion

Subject to conditions, the proposed development complies with Class A of Part 18 of Schedule 2 of the GPDO.

Recommendation: Approve.

Decision authorisation: Delegated powers

Application number: 2025/92793

Officer recommendation: Grant prior approval

Conditions and reasons:

1. 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 to accord with Policies LP2, LP24, LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

2. Notwithstanding the submitted details, the spillway walls of the development hereby approved shall be externally clad in natural stone which shall be laid in courses to match the existing with all mortar pointing to be finished either flush or slightly recessed and no strap or ribbon pointing and thereafter be retained.

Reason: To provide a level of mitigation in relation to the less than substantial harm identified and in the interests of visual amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out in accordance with the tree protection measures set out in the Arboricultural Impact Assessment (Canal and River

Trust, P/12553, August 2025), and the tree replanting measures set out in the Tree Replanting Scheme (Canal and River Trust, P/12553, August 2025) shall be completed before the end of the first planting season following the completion of the development hereby approved.

Reason: To protect trees in the interests of visual amenity, to ensure replacement tree planting is carried out, and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

4. Should the “bank stabilisation works” and/or “potential repairs required downstream from the final culvert weir” referred to in the Application for Prior Approval document (Canal and River Trust, October 2025) prove necessary, these works shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out strictly in accordance with the details so approved.

Reason: In the interests of visual amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Prior to the commencement of works, full details of the reinstatement, surfacing and widths of public footpaths COL/141/20, 50 and 60 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the details so approved.

Reason: In the interests of visual amenity and maintaining the public rights of way network to accord with policies LP21, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: Public footpaths COL/141/20, 50 and 60 are within or are adjacent to your site and must not be interfered with or obstructed, prior to, during or after development works. The council’s Public Rights of Way team may be contacted by telephone 01484 221000 or by email: publicrightsofway@kirklees.gov.uk

NOTE: This prior approval 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 site accesses.

This process will involve entering into a Section 184 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. You are advised to make early contact with the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000), to ensure that the delivery of the works does not delay 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.

Plans and specifications schedule:

Plan type	Reference	Version	Date received
Red line boundary plan	P12553-JNB-XP-001-002-DR-C-0001	Rev P04	07/10/2025
Proposed temporary access plan	P12553-ARC-00-XP-001-002-DR-CE-0004	Rev P04	07/10/2025
Proposed works plan	P12553-ARC-00-XP-001-002-DR-CE-0001	Rev P05	07/10/2025
Construction access visibility splay	P12553-JNB-XP-001-002-DR-C-0050	Rev P01	07/10/2025
Embankment sections	P12553-ARC-00-XP-001-002-DR-CE-0005	Rev P01	07/10/2025
Spillway sections sheet 1 of 2	P12553-ARC-00-XP-001-002-DR-CE-0002	Rev P04	07/10/2025
Spillway sections sheet 2 of 2	P12553-ARC-00-XP-001-002-DR-CE-0003	Rev P04	07/10/2025
Application for Prior Approval	Canal and River Trust, October 2025		07/10/2025
Temporary Access and Lifting Report	Bentley, 15/09/2025	Rev P04	07/10/2025
Arboricultural Impact Assessment	Canal and River Trust, P/12553, August 2025		07/10/2025
Tree Replanting Scheme	Canal and River Trust, P/12553, August 2025		07/10/2025
Indicative Visualisations	Canal and River Trust, September 2025		07/10/2025

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 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.

Report Dated: 04/02/2026