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

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2025/70/93378/W

To: Ryan Barrett
Lichfields
3rd Floor
2 Bond Court
Leeds
LS1 2JZ

For: Lidl GB 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:-

VARIATION OF CONDITIONS 3 (CMP) , 21 (RETAINING WALLS), 23 (SURFACE WATER), 28 (NON-NATIVE SPECIES) OF PREVIOUS PERMISSION 2021/94029 FOR DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF FOODSTORE (CLASS E) WITH ASSOCIATED ACCESS, PARKING, SERVICING AREAS AND LANDSCAPING

At: SITE OF, FORMER SPOTTED COW PUB, NEW HEY ROAD, OAKES, HUDDERSFIELD, HD3 4BU

In accordance with the plan(s) and applications submitted to the Council on 08-Dec-2025 [together with those plans and application(s) submitted to the Council on [20-Oct-2021 and incorporated into planning permission [ref no.2021/94029 granted on 22-Jun-2023] and subject to the condition(s) specified hereunder:-

1. The development hereby approved shall be begun no later than 22/06/2026.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The development hereby approved shall be carried out strictly in accordance with the construction management details approved by the Local Planning Authority on 04/07/2025 under Discharge of Conditions application 2024/92576 and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule and timetable of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.
Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

4. Upon commencement of the development hereby approved the mitigation measures to control fugitive dust emissions during the construction phase shall be implemented in accordance with those detailed in Appendix F – Dust Assessment Mitigation Fugitive Dust Emission Mitigation Measures on page 33 of the Air Quality Impact Assessment (AQIA) by Miller Goodall, dated 07/09/2021 (ref: 102035V3) and retained for the duration of the construction period.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

5. The development hereby approved shall operate with no more than 1,100sqm (square metres) of net internal sales floorspace and 2,061sqm of gross internal floorspace. The quantum of net internal sales floorspace dedicated to comparison goods shall be no more than 220sqm with the remaining net internal sales floorspace dedicated to convenience goods.
Reason: To ensure the retail store operates in the manner originally proposed throughout the lifetime of the permission in accordance with the requirements of Policy LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

6. The development hereby approved shall not be sub-divided to form multiple planning units and shall remain as a single planning unit in perpetuity.
Reason: To ensure the retail store operates in the manner originally proposed throughout the lifetime of the permission in accordance with the requirements of Policy LP13 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

7. Prior to the installation of the electrical system for the entirety of the store and car park, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for either of the following:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 3.5kW for a minimum of 10% of non-residential parking spaces; or
- Two Rapid Electric Vehicle Charging Points providing a continuous supply of at least 43kW for a minimum of four non-residential parking spaces.

The car park shall not be brought into use until the approved charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement and to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

8. Before the development hereby approved is brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Assessment [authored by Miller Goodall dated 24/09/2021 ref: 102034_V7] shall:

- Be completed; and
- Written evidence to demonstrate that the specified noise levels have been achieved in the form of a further / addendum Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Assessment have been achieved at Noise Sensitive Receptors, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To ensure the amenity of future residents in accordance with the principles set out within Policy LP52 of the Kirklees Local Plan.

9. Before the development hereby approved is brought into use, details of all acoustic barriers as recommended in the Noise Assessment [authored by Miller Goodall dated 24/09/2021 ref: 102034_V7] shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- A plan indicating the location and extent of the barrier;
- The minimum height of the barrier relative to the adjacent ground level; and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.
Reason: To ensure the amenity of future residents in accordance with the principles set out within Policy LP52 of the Kirklees Local Plan.

10. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. The use hereby approved shall not be open to customers outside the hours of:
- 0800hrs to 2200hrs Monday to Saturday; and
- 1000hrs to 1700hrs on Sunday.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. There shall be no deliveries to or dispatches from the premises outside the hours of:
- 0700hrs to 2300hrs Monday to Saturday; and
- 0900hrs to 1800hrs on Sundays

Reason: To ensure that the proposed uses does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. In the event that contamination or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 two working days. Groundworks in the affected area shall not recommence until either:
- A Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority; or
- The Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works 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 the National Planning Policy Framework.

14. Before the installation of external artificial lighting commences, an External Lighting Design Strategy for Biodiversity and Residential Amenity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required;
- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy (once approved), and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

15. No baking of goods shall take place on site until details of a kitchen extract system are submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that will carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before baking commences the approved extract system shall be installed, retained and maintained in accordance with the approved details.
Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

16. Before the development hereby approved is brought into use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include/detail as a minimum:

- The provision of current/up-to-date bus/train timetables and information;
- Provision of METRO passes;
- Car sharing facilities;
- The introduction of working practices to reduce travel demand; and
- The provision of on-site cycle facilities and information.

The Travel Plan shall include details of when these measures would be introduced. To support the promotion of the use of sustainable modes the travel plan shall also include/detail:

- How the travel plan will be managed;
- Targets aimed at lowering car use, particularly single occupancy trips, from/to the site;
- A program for monitoring the travel plan and its progress; and
- How the travel plan and its objective of more sustainable travel will be promoted.

The approved travel plan shall thereafter be retained throughout the lifetime of the development.
Reason: In the interests of promoting sustainable travel, and to accord with Policy LP20 of the Kirklees Local Plan.

17. No part of the development shall be brought into use until the car park is laid out surfaced, marked out into bays and drained in accordance with approved plan 'Proposed Surface Treatments Site Plan' (ref: 1814 P404 rev X), 'Detailed Drainage General Arrangement' (ref: 09-122-503 rev C), 'Overland Flow Route' (ref: 09-122-501 rev G) and 'Drainage Details' (ref: 09-122-504 rev A). The car park and its drainage shall be maintained in accordance with approved details.
Reason: In the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.

18. No part of the development shall be brought into use until vehicular sightlines of 2.4m x 43m on the site frontage have been cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction in perpetuity.
Reason: In the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.

19. No part of the development shall be brought into use until the existing accesses from New Hey Road have been permanently closed [and any redundant footway crossings removed and the footway reinstated] with the new access constructed and brought into use in accordance with the approved plans and documentation, specifically 'Proposed Site Plan with Tracking' (ref: 1814 P412 rev V) and the Bryan G Hall 'Transport Assessment – September 2021' (ref: 20-328-001.02).
Reason: In the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.

20. Prior to the commencement of superstructure works, a detailed scheme for the provision of a right turn lane from New Hey Road into the site with associated signing and white lining and relocation of the existing traffic island shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.
Reason: In the interests of highway safety and to achieve a satisfactory access to the site to accord with Policy LP21 of the Kirklees Local Plan.

21. Prior to the construction of any new retaining walls or any works which may impact directly or indirectly on existing retaining walls, a scheme detailing all new retaining walls as well as any modifications to the site's existing retaining walls supporting public footpath HUD/367/10 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of locations and cross-sectional information together with details of the proposed design and construction of the retaining walls. The approved scheme shall be implemented and completed prior to the car park being brought into use and prior to superstructure works being commenced on any part of the food store building. The new retaining walls and any modified retaining walls shall be appropriately maintained throughout the lifespan of the development.
Reason: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.

22. The development's approved surface water attenuation, discharge restrictions, outfalls, and the ordinary watercourse diversion shall only be carried out in accordance with the approved Flood Risk Assessment, produced by Beam Consulting, ref: 09-122-DOC-001G dated 08/09/2021 (including its appendices) and shall incorporate all the proposed mitigation measures into the development. The development shall not be brought into use until the entire drainage scheme is fully tested and operational.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

23. There shall be no piped discharge of surface water from the development hereby approved and no part of the development shall be brought into use until the flow restriction and attenuation works approved by the Local Planning Authority on 04/07/2025 under Discharge of Conditions application 2024/92576 have been completed. The approved maintenance and management scheme shall be implemented thereafter.
Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Prior to the commencement of superstructure works, details of all external finishing materials to be used in the development hereby approved (including external materials for buildings, boundary treatments and retaining walls, but not ground surfacing materials) shall be submitted to the Local Planning Authority, and samples (including a panel of masonry) shall be left on site for the inspection and approval in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details and no materials other than those approved in accordance with this condition shall be used in the construction of the development.
Reason: In the interests of visual amenity and to conserve the setting of the adjacent Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan as well as Chapters 12 and 16 of the National Planning Policy Framework.

25. No part of the development hereby approved shall be brought into use until further detailing of the boundary treatments across the entire site is submitted to and approved in writing by the Local Planning Authority. The details shall include the colour and materials composition of the boundary treatments set out in approved plan (Proposed Boundary Treatments Plan – 1814 P403 – rev AG). The boundary treatments shall be installed in accordance with the approved boundary treatment scheme and thereafter retained for the lifetime of the development.
Reason: In the interests of providing defensible private amenity space in accordance with Policy LP24 of the Kirklees Local Plan.

26. Prior to the commencement of superstructure works, an Ecological Design Strategy (EDS) to ensure that 1.75 habitat units are delivered on site (as per the submitted DEFRA Biodiversity Metric v3.0 submitted 26/10/2021) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include/detail the following:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Details on the establishment of wildflower meadows, trees and shrub planting on the site;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Type and location of faunal enhancements features, as detailed in the previously submitted ecological assessments (2021 and 2022 versions);

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the appropriate biodiversity units; and
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure the development provides sufficient measures to provide a biodiversity enhancement in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

27. [deleted]

28. All works which form part of the details relating to the removal of non-native species approved by the Local Planning Authority on 04/07/2025 under Discharge of Conditions application 2024/92576 shall be completed prior to the development first being occupied.
Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Chapter 15 of the National Planning Policy Framework and Circular 06/2005 – Biodiversity and Geological Conservation.

NOTE: Please refer to the informative notes attached to permission 2021/94029 dated 22/06/2023.

NOTE: Site clearance and the bird breeding season

In accordance with Wildlife and Countryside Act 1981 it is an offence to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests. In addition, certain species are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Therefore, the removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

Plans and specifications schedule:

Plan / document	Reference	Version	Date received
Site Location Plan	Ref: 1814 P402	E	26/04/2023
Proposed Site Plan (1,100 sales area)	Ref: 1814 P417	G	26/04/2023
Proposed Site Plan with Tracking	Ref. 1814 P412	V	26/04/2023
Proposed Elevations (Option 2)	Ref: 1814 P201	G	31/01/2023
Proposed Floor Plan	Ref: 1814 P104	C	20/10/2021
Proposed Surface Treatments Site Plan	Ref: 1814 P404	X	26/04/2023
Proposed Boundary Treatments Plan	Ref: 1814 P403	AG	26/04/2023
Proposed Indicative Site Levels Plan	Ref: 1814 P405	Y	26/04/2023
Proposed Retaining Wall Elevations	Ref. 1814 P406	G	20/10/2021
Proposed Lighting Plan	Ref. 1814 P413	T	26/04/2023
Proposed Lighting Layout	DWG 00 and DWG 01 (D422972_R6)	-	20/10/2021
Proposed Boundary Wall Section	Ref. P301	-	31/01/2023
Landscape Details	Ref: R/2175/2	M	26/04/2023
Detailed Drainage General Arrangement	Ref. 09-122-503	C	26/04/2023
Drainage Details	Ref. 09-122-504	A	20/10/2021
Overland Flood Flow Route	Ref: 09-122-501	G	26/04/2023
Culvert Diversion General Arrangement	Ref: 09-122-502	H	26/04/2023
Retaining Wall General Arrangement	Ref: 09-122-410	G	26/04/2023
Retaining Wall Sections	Ref: 09-122-411	D	20/10/2021
Air Quality Assessment by Millar Goodall (ANC) dated 7 September 2021	102035	V3	20/10/2021
Landscape and Ecological Management Plan by FDA Landscapes Ltd	Drawing References Amended April 2023	-	26/04/2023
Updated Planning and Retail Statement by Lichfields for Lidl GB ltd – May 2022	-	-	31/05/2022
Appraisal of Retail and Town Centre Policy Issues by Nexus Planning	-	-	01/08/2022
Design and Access Statement – October 2021- by Lichfields	-	-	20/10/2021
Arboricultural Method Statement to BS 5837:2012 by JCA Arboricultural and Ecological Consultants	16383-B/AJB	Revised 07/02/2022	09/02/2022
Heritage Impact Assessment – October 2021 by Lichfields	19981245	V2	20/10/2021
Heritage Review by Graeme Ives Heritage Planning	-	-	20/10/2021

Update Ecological Assessment by Tyler Grange dated 9th September 2021	12033_R04a_JD_CW	A	26/10/2021
Ecological Assessment Report by Tyler Grange dated 24th September 2020	12033_R02a_JD_HM	-	26/10/2021
Flood Risk Assessment with Detailed Drainage by Beam Consulting dated 8th September 2021	09-11-DOC-001	G	20/10/2021
Appendix A – Climate Change Statement authored by Anna Turton, Lichfields	20236967	V1	26/10/2021
Phase 1 Geo-Environmental Desktop Study Report by Beam Consulting dated 29th September 2021	09-11-DOC-002	A	26/10/2021
Geo-Environmental Appraisal by Dunelm Geotechnical & Environmental revised on 28/09/18	M600	02	26/10/2021
Culvert Investigation Letter from RGS Environmental Geotechnical Specialists	J4760/19/E/F	-	20/10/2021
Community Consultation Statement by Lichfields October 2021	20210252	V2	26/10/2021
Rapid Health Impact Assessment by Lichfields October 2021	20002535	V2	26/10/2021
Biodiversity Net Gain Technical Advice Note by Tyler Grange	12033_R03a_JD_CW	A	20/10/2021
Noise Assessment by Miller Goodall Acoustics and Air Quality dated 24th September 2021	102034	V7	20/10/2021
Transport Assessment by Bryan G Hall dated September 2021	20-328-001	.02	20/10/2021
Travel Plan by Bryan G Hall September 2021	20-328-002	.02	20/10/2021

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.

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 Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

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: Mining Remediation Authority - GOV.UK

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 refuse permission for the proposed development or 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: 28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.**

- **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: 12-Jun-2026

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 and view existing planning applications and decisions' and by searching for application number 2025/70/93378/W .

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
