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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2026/70/91774/E

To: Tom Baguley
Enzygo Ltd
40, Berkeley Square
Bristol
BS8 1HP

For: DOMINIQUE DORSETT-VIDAL, TESLA MOTORS 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 2 (PLANS), 9 (DRAINAGE), 15 (LANDSCAPING), 17 (LIGHTING), 18 (MATERIALS) AND REMOVAL OF CONDITION 16 (CCTV) ON PREVIOUS PERMISSION 2025/91965 FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING POINTS WITH INFRASTRUCTURE, LIGHTING AND CCTV, ERECTION OF AMENITY BLOCK AND ACCESS IMPROVEMENTS INCLUDING ASSOCIATED WORKS

At: LAND AT, GELDERD ROAD, BIRSTALL, BATLEY, WF17 9LS

In accordance with the plan(s) and applications submitted to the Council on 26-Jun-2026 [together with those plans and application(s) submitted to the Council on 21-Jul-2025 and incorporated into planning permission 2025/91965 granted on 28-Jan-2026] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun no later than 27th January 2029.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP3, LP4, LP7, LP20, LP21, LP22, LP24, LP26, LP30, LP33, LP51, LP52 & LP53 of the Kirklees Local Plan, and the policies within Chapters 3, 4, 5, 7, 12, 14, 15, 16 & 19 of the National Planning Policy Framework.

3. No above ground development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to, and approved in writing by, the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

5. No groundworks (other than those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

9. The development shall not be brought into use until the surface water drainage scheme shown on the document titled ‘Details Drainage Strategy and Flood Risk Statement’ (reference no. CRM.3030.020.HY.R.001.B, dated February 2026) has been completed in full. The approved drainage scheme shall thereafter be retained and maintained for the lifetime of the development.
Reason: To ensure a sustainable drainage arrangement and reduce flood risk to accord with Policy LP28 of the Kirklees Local Plan.

10. Notwithstanding the details shown on the submitted drawings, should new boundary treatments be required details shall be submitted and approved in writing by the Local Planning Authority, prior to their erection. The works shall then be carried out in complete accordance with the submitted details which shall be retained thereafter.
Reason: In the interest of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

11. The development shall be completed in accordance with the advice and directions (recommendations) contained in section 4.0 and appendix 1 of the submitted Arboricultural Method Statement 3030.020.ENZ.XX.00.RP.AR.45.102. These shall be implemented and maintained throughout the entirety of the construction phase and retained thereafter.
Reason: To protect trees and in the interests of visual amenity to accord with the requirements of policies LP24 and LP33 of the Kirklees Local Plan.

12. The means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the submitted plan ref. CRM3030020-ENZ-XX-XX-DR-Y 1001-P02. The means of access approved by this condition shall be fully constructed and made operational prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21 & LP22 of the Kirklees Local Plan & policies within Chapter 15 of the National Planning Policy Framework.

13. The development hereby approved shall not be brought into use until the car park has been laid out, surfaced, marked out into bays and drained in accordance with details upon submitted drawing ref A005 rev. F which shall be retained thereafter.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21 and LP22 of the Kirklees Local Plan & policies within Chapter 15 of the National Planning Policy Framework.

14. The development hereby approved shall not be brought into use until details of suitable storage, bin presentation points and access for collection of wastes from the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the development is brought into use and shall be so retained thereafter
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with policies LP21 and LP22 of the Kirklees Local Plan & policies within Chapter 15 of the National Planning Policy Framework.

15. The approved landscaping scheme (reference no. CRM3030020-ENZ-XX-XX-DR-Z-0001 PL02) shall be implemented by the end of the first planting season following the development being brought into use. The approved landscaping scheme shall, from its completion, be retained throughout the lifetime of the development. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. All soft landscaping shall be retained as soft landscaping for the lifetime of the development.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity and to accord with the aims of Policies LP24 & LP33 of the Kirklees Local Plan.

16. The lighting scheme as detailed within submitted drawing titled 'External Lighting Setting Out' (reference no. 0075-CSE-ZZ-XX-DR-E-6302-S1-P02) shall be installed in accordance with the light spill and stray levels indicated on the approved plan. The lights shall be downward facing and mounted on lighting columns which shall not exceed a height of 6.00m. The lighting scheme shall thereafter be retained and maintained for the lifetime of the development.
Reason: For the avoidance of what is permitted for lighting of the site, in the interests of security and habitats and to accord with LP24e & LP35 of the Kirklees Local Plan and Chapters 16 & 19 of the National Planning Policy Framework.

17. The staircase hereby approved shall contain smooth precast concrete steps supported by block walls with an Anthracite Grey (RAL 7016) handrail and locally sourced gabion baskets to match existing installations. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests o2f visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 14 of the National Planning Policy Framework.

18. The solar canopies hereby approved shall be constructed from Certified e-coating (KTL) with top powder coating; posts additionally hot-dip galvanised to EN-1461, a blueroof aluminium rail system and a Z275 steel roof. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 14 of the National Planning Policy Framework.

19. The substations hereby approved shall be constructed from green glass reinforced plastic. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 14 of the National Planning Policy Framework.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development. NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Note 01/21 for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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

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

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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under Conservation of Habitats and Species Regulations 2017, schedule 2. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to the advice of licenced bat worker sought.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

NOTE: Documents in the plans and specifications schedule below reflect amendments made during the life of the application. Not all documents were (or needed to be) updated to reflect these amendments.

Plans and Specifications Table:

Plan Type	Reference	Revision	Date Received
Plans and details pursuant to 2025/91965			
Location Plan	CRM3030020-ENZ-XX-XX-DR-T 0001	P03	21/07/2025
Elevations - Canopy 1	SP-101	-	05/01/2026
Elevations – Canopy 2	SP-102	-	05/01/2026
Elevations – Canopy 3	SP-103	-	05/01/2026
Substation Elevations	CRM3030028-ENZXX-XX-DR-T 0011	-	05/01/2026
Elevations – Charger Unit 3	A124	-	21/07/2025
Elevations – Charger Unit 4	A125	-	21/07/2025
Arboricultural Impact Assessment and Arboricultural Method statement	3030.020.ENZ.XX.00.RP.AR.45.102	-	21/07/2025

Plan Type	Reference	Revision	Date Received
Arboricultural Survey_Report	3030.020.ENZ.XX.00.RP.AR.45.101	-	21/07/2025
Ecological Impact Assessment	CRM.3030.020.EC.R.001	-	21/07/2025
BNG Metric	-	-	21/07/2025
Transport Assessment	CRM.3030.020.TR.RP.001.A	-	21/07/2025
Design and Access Statement	CRM.3030.020.PL.R.001	-	21/07/2025
Climate Change Statement	-	-	21/07/2025
Plans and details pursuant to 2026/91774			
Proposed Site Plan	A005	F	26/06/2026
Supercharging Staircase & Planters	PL001	-	26/06/2026
Proposed Plans & 3D Views on Stairs	PL002	-	26/06/2026
External Lighting Setting Out	0075-CSE-ZZ-XX-DR-E-6302-S1-P02	-	26/06/2026
Soft Landscape Plan	CRM3030020-ENZ-XX-XX-DR-Z-0001	PL02	26/06/2026
Detailed Drainage Strategy and Flood Risk Statement	CRM.3030.020.HY.R.001.B	B	26/06/2026
Cover Letter	CRM.3030.020		26/06/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

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

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Mining Remediation 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.

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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:
Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Where 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from 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: 15-Sep-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 2026/70/91774/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