



KIRKLEES COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 2015: ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2016/19/90750/E

To: Arqiva Ltd
Trafalgar House
110, Manchester Road
Altrincham
WA14 1NU

For: Arqiva Ltd

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED
ERECTION OF TEMPORARY MAST

SECOND SCHEDULE LAND ADJOINING EMLEY MOOR TELEVISION BROADCAST
SITE, JAGGER LANE, EMLEY MOOR, HUDDERSFIELD,
HD8 9TQ

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 18-MAR-2016 THE
OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN
RESPECT OF THE LAND SPECIFIED IN THE SECOND SCHEDULE
HERETO AND EDGED RED ON THE PLANS SUBMITTED WITH THIS
APPLICATION WOULD BE LAWFUL WITHIN THE MEANING OF SECTION
192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS
AMENDED), FOR THE FOLLOWING REASONS:**

The proposed erection of a temporary mast as shown on the submitted plans listed in this decision notice would benefit from general planning permission granted under Part 4 Schedule 2 on temporary buildings and structures of the Town and Country Planning (General Permitted Development) Order 2015.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18 March 2016
Location Plan (red and blue line annotation)	305035-00-004-ML002	2	18 March 2016
Location Plan (OS Plan)	305035-00-004-ML002	2	18 March 2016
Site Plan Proposed	305035-77-100-MD002	2	18 March 2016
South Elevation Proposed	305035-77-150-MD002	2	18 March 2016
Supporting Statement			18 March 2016

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. The applicant has been kept updated on the progress of this Certificate throughout the course of the application.

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 Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If 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

NOTES:

- (1) This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- (3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation(s) which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- (4) The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
- (5) If the applicant is aggrieved by the decision of the Local Planning Authority to issue a certificate of lawfulness of development, for any part development applied for (including any modification or substitution of the description of the operations), s/he may appeal to the Secretary of State in accordance with Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). 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://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

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: 31-Aug-2016

Signed: 

Jacqui Gedman
Director of Place

Address to which all communications should be sent:-

Planning
Investment & Regeneration Service
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR