



**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: 2015/70/92433/E0

To: Anne Mosquera,
Civitas Planning Limited
River Lane
Saltney
Chester
CH4 8RQ

For: Casey Environ

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 (TIME SCALE) AND 17 (LAND FORM/SURFACE RESTORATION) ON PREVIOUS PERMISSION 99/90597 FOR RESTORATION OF MINERAL WORKINGS WITH IMPORTED CONTROLLED WASTES; CONSTRUCTION OF NEW ROAD AND SITE ACCESS; ANCILLARY PROCESSING AND USE OF MINERALS ARISING FROM ENGINEERING AND SITE DEVELOPMENT WORKS; PROCESSING, SORTING, COMPOSTING AND RE-CYCLING OF WASTES AND ALL OTHER ASSOCIATED ENGINEERING OPERATIONS

At: LANESIDE QUARRY, BELLSTRING LANE, UPPER HOPTON, MIRFIELD, WF14 8BP

In accordance with the plan(s) and applications submitted to the Council on 04-Sep-2015 [together with those plans and application(s) submitted to the Council on 01-Mar-1999 and incorporated into planning permission ref no. 99/62/90597/W0 granted on 08-Sep-2000] and subject to the condition(s) specified hereunder:-

TIME LIMITS

1. Use of the site for the deposit of waste shall be completed within 10 years of the date of the permission hereby approved and the application site shall be restored for use for agriculture, woodland and amenity within 11 years of the date of the permission hereby approved or within 12 months of achievement of permitted final levels in accordance with condition 14 below, whichever is the earlier.

Reason: To ensure the satisfactory completion of the deposit of waste and the subsequent restoration of the site within an acceptable period of time and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

PRIOR CESSATION

2. In the event of a cessation of waste deposit on the site before the achievement of the approved scheme referred to in Conditions Nos. 9, 14 and 22 which is for a period in excess of 18 consecutive months or the use of the site for waste disposal is discontinued for a like period, a revised scheme to include details of restoration and aftercare, shall be submitted in writing for the approval of the Local Planning Authority within 3 months of the cessation of waste deposit. The approved revised scheme shall be fully implemented, with the exception of aftercare, within 12 months of the Local Planning Authority's written approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the site should development cease prior to completion and to accord with Section 11 of the National Planning Policy Framework.

ACCESS

3. The sole means of vehicular access to and egress from the site for the purposes of waste disposal and restoration of the site shall be as indicated on approved amended drawing No. G110-004.Rev.3.

Reason: In the interests of the free and safe use of the highway and to accord with Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP 21.

4. The site shall be operated at all times in accordance with the following HGV controls:

- HGVs entering or leaving the site shall not exceed an average of 120 vehicles a day at the site (i.e. 60 in and 60 out) for a 5.5 day working week when measured over one calendar month.
- A maximum of 220 (i.e. 110 in and 110 out) HGV may enter or leave the site on any one working day. This figure shall be reduced to 110 (i.e. 55 in and 55 out) on a Saturday.
- A record of HGV movements entering the site for landfill purposes shall be kept on site and shall be made available to the LPA when requested.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP 21.

5. The site access road as indicated on drawing No. G110 -004. Rev. 3 shall be maintained in a good state of repair and kept clean and free of mud and other debris. Verges and baffle mounds to the access road, shall be maintained free of weeds and rank vegetation.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP 21.

6. No commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: In the interests of the free and safe use of the highway and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP 21.

PREPARATORY WORKS/LANDSCAPING

7. The diversion of the watercourse crossing the site shall be carried out in accordance with the following plans and documents:

Stream Diversion G110 – 063

Typical Sections to Stream Diversion G110 – 064

Stream Diversion Longitudinal Section G110 – 065

Balancing Pond detail G110 - 066

Revised Planting Proposals G110 – 202 Rev. 3

Amended Final Restoration G110 – 203 Rev. 2

Reason: In the interests of protecting local water regimes and associated biodiversity and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

OPERATION OF THE SITE PHASING

8. Tree and scrub and hedge planting approved on application drawing No. G110-007 Rev. 1 forming part of planning permission 99/92433 which has not been carried out shall be completed in accordance with plan G110 -202 Rev 3 and in accordance with a revised timetable which shall be submitted to the Local Planning Authority within 3 months of the date of this approval. The planting works shall be subsequently implemented in accordance the agreed timetable.

Reason: In the interests of visual amenity and local biodiversity and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

9. The site shall be progressively backfilled with waste in phases in a west to east direction in accordance with the phased programme set out in approved Drawing Nos. G110-008 and G110-009 and as described in the Environmental Statement and documents supporting this application.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenity of the local area and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

10. The developer shall notify the Local Planning Authority in writing within 14 days of the date of commencement/completion of the following:

- (i) commencement of site preparation works.
- (ii) commencement of the deposit of imported waste
- (iii) entering a new phase of waste landfill as identified on approved drawing Nos. G110- 008 and G110-009.
- (iv) completion of each waste landfill phase.
- (v) completion of restoration of each landfill phase.
- (vi) completion of the landscaping/planting scheme required by Condition 8.
- (vii) completion of final restoration.
- (viii) estimated date for completion of aftercare.

Reason: To enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenity of the local area and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

LIMITS OF WASTE DEPOSIT AND FINISHED LEVELS

11. No deposit of waste shall take place outside the land bounded with a green line on approved Drawing No. G110-007 except for;

- (a) soil and soil making materials for any purpose and or
- (b) waste and other materials required in connection with site engineering and construction works.

Reason: To ensure the proper restoration of the site in accordance with the submitted plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Draft Publication Local Plan Policy PLP 44.

12. During the operation of the landfill site, no deposit of waste shall take place other than in accordance with the Condition Nos. 9 and 11 above.

Reason: To limit the impact of the development upon the amenity of the local area, to ensure the progressive restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

13. Before the commencement of the landfill operations in any of the phases shown on approved Drawing No. G110-008 and G110 - 009 and as described in the Environmental Statement and documents supporting this application, the limits of the area to be backfilled shall be clearly defined on site and notified to the Local Planning Authority.

Reason: To ensure the proper restoration of the site in accordance with the submitted plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

14. Final post settlement landform and surface restoration levels shall accord with the finished restored contours shown on approved post settlement drawing No G110-203-Rev2"

Reason: To ensure the proper restoration of the site in accordance with the submitted plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

15. As the operation approaches final pre-settlement waste deposit levels and in any case before the final grading of cover and before the spreading of subsoil, the surface levels shall be checked by competent land surveyors. Thereupon markers shall be erected to indicate the approved final levels, approved restored surface levels and any appropriate approved intermediate levels.

Reason: To ensure the proper restoration of the site in accordance with the submitted plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

SOIL CONSERVATION AND SAFEGUARDING THE AGRICULTURAL INTEREST IN THE SITE

SOIL STRIPPING

16. The Local Planning Authority shall be given at least 48 hours' notice (excluding Sundays and Bank Holidays) of any intended phase of topsoil or subsoil stripping, such works to proceed only subject to their agreement.

Reason: To ensure the retention of existing soils on site for restoration purposes plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

17. All available topsoil and subsoil shall be stripped from any areas to be excavated, developed or used for the stationing of plant and buildings, storage of material, haul roads and other areas to be traversed by heavy machinery, and stored until required for restoration purposes unless otherwise approved for progressive restoration.

Reason: To ensure the retention of existing soils on site for restoration purposes plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

18. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid soil smearing and compaction and to ensure that all available soil resources are recovered.

Reason: To minimise structural damage to soils and to aid in the site's final restoration and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

SOIL STORAGE

19. Topsoils, subsoils and other soil making materials which are to be used for restoration, shall be stored according to their quality in separate mounds which do not overlap and in locations which have the prior agreement of the Local Planning Authority. No topsoil or subsoil shall be removed from the site.

Reason: So as not to damage soils quality and to ensure satisfactory restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

20. Once formed, all mounds in which soils are to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Local Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.
Reason: To minimise adverse impact upon the visual amenity of the area and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

SITE MAINTENANCE

21. From commencement of the development until restoration of the site the following shall be carried out:

- (a) the maintenance of fences in stockproof condition between any areas used for development and any adjoining agricultural land
- (b) the retention of fencing around trees and hedgerows
- (c) the treatment of trees affected by disease in accordance with accepted principles of good woodland practice
- (d) all areas including stacks of soil and overburden to be kept free of weeds and all necessary steps taken to destroy weeds at an early stage of growth to prevent seeding.

Reason: To safeguard the agricultural interest and protect the visual amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

RESTORATION

22. Except as specified in condition 24 below, the site shall be progressively restored for agriculture, woodland and amenity use in accordance with the following plans and documents:

Pre-operation mitigation measures G110 - 007 Rev.1

Revised Planting Proposals G110 – 202 Rev 3

Amended Final Restoration G110 – 203 Rev. 2

Fencing Type 1 1200mm Stockproof G110 – 040

Fencing Type 4 2400mm Palisade G110 – 042

Field Gate 4.0 Galvanised Steel G100- 044

Waymarking post and Finger post G110 -045

Signboard 1200 x 800mm G110 – 046

Stile G110 – 047

Signboard 600 x 400mm G110 – 048

Kissing Gate G110 – 049

Fencing Type 6 1000mm Post and Wire G110 – 50

Cycle Gateway with Sand Trap G110 – 51

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial use and in the interests of the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

23. Notwithstanding the approved restoration planting details contained in plan G110 – 202 Rev. 3 the following species shall not be planted on site and shall be replaced by a mixture of other appropriate substitute species indicated in the aforementioned plan:

Grey Alder (*Alnus Incana*)
Ash (*Fraxinus Excelsior*)
Blackberry (*Rubus Fruticosus*)
Dewbury (*Rubus Caesius*)
Burnet Rose (*Rosa Pimpinellifolia*)

Reason: To ensure the site is restored using appropriate species which reflect the existing local natural environment and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

24. Notwithstanding the management programme described in the supporting Habitat Management Plan, all hedges planted as part of the approved restoration scheme shall only be trimmed or pruned during the month of February.

Reason: To ensure the proper restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

25. After waste landfill operations including capping have been completed on any phase shown on approved drawing No. G110-008 the Local Planning Authority shall be given the opportunity (with at least 48 hours' notice excluding Sundays and Bank Holidays) to inspect the surface before further restoration work is carried out.

Reason: To ensure the proper restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

26. Imported soils or soil making materials and soil making materials arising from permitted engineering or minerals extraction operations on the site shall be made available for inspection by the Local Planning Authority prior to use in restoration of the site.

Reason: To ensure proper reclamation of the site for woodland and agricultural afteruse and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

27. Soils stripped and stored on site, together with any soil-making materials recovered from the incoming infill waste shall only be spread when in a dry and friable condition.

Reason: To minimise structural damage to soils and to aid in the restoration of the site for woodland and agricultural afteruse.

28. Subsoil and soil making materials shall be re-spread in layers not exceeding 45cm thickness, and the final layer shall be cross-ripped to a depth of 400mm using a heavy duty subsoiling implement with winged tines set no wider than 600 mm apart and any non-subsoil type material or rock, boulder or stone larger than 150 mm in any dimension shall be removed from the surface and not buried within the respread soil.

Reason: To promote subsequent good drainage of the site in the interests of satisfactory restoration of the site for woodland and agriculture and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

29. Wherever topsoil is respread it shall be cross-ripped to alleviate compaction and any stone larger than 100 mm in any dimension shall be removed and taken away.

Reason: To promote subsequent good drainage of the site in the interests of satisfactory restoration of the site for woodland and agriculture and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

30. After spreading the soil all reasonable steps shall be taken to ensure that within the top 400 mm of topsoil and/or subsoil there is no:

- (a) rock, boulder, stone, wire, cable or wire rope
- (b) sterile material injurious to plant life
- (c) excessively compacted zone.

Reason: To promote subsequent good drainage of the site in the interests of satisfactory restoration of the site for woodland and agriculture and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

31. The spreading of soil shall only be carried out when the material and the ground which it is to be placed on are in a dry and friable condition and in sufficient time for subsoiling, cultivation and seeding to take place under dry weather conditions unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise structural damage to the soils and to aid in the restoration of the site for woodland and agricultural afteruse.

32. Within 3 months of the restoration of the final top layer the developer shall make available to the Local Planning Authority a plan with contours at sufficient intervals to indicate the final restored pre-settlement form of the site, together with a record of the depth and composition of the reinstated soil profiles.

Reason: To ensure the proper restoration of the site in accordance with the submitted plans and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

33. Notwithstanding the preceding conditions, no stripping, movement, replacement or cultivation of topsoils and/or subsoils shall be carried out during the period October - March without the prior consent of, by methods and for a period agreed with, the Local Planning Authority.

Reason: To minimise structural damage to soils and to aid the restoration of the site for woodland and agricultural afteruse.

34. Trees and shrubs shall be planted on the permitted site only during the months of November, December, January, February or March.

Reason: To ensure the proper restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

AFTERCARE

35. The period of aftercare shall commence following compliance with Condition Nos. 28 and 29 on any part of the site and shall extend for a period of 5 years effective management from the date of final restoration of the whole site, or smaller manageable blocks within the site, as confirmed in writing by the Local Planning Authority.

Reason: To ensure the restored land is correctly husbanded and the proposed afteruses are established and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

36. The development shall be carried out in accordance with the aftercare scheme (Title: Brief Management Plan for the Restored Laneside Quarry Kirkheaton Kirklees) approved on 28 May 2002.

Reason: To ensure the restored land is correctly husbanded and the proposed afteruses are established and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

37. Subsequent detailed programmes shall be submitted annually to the Local Planning Authority for consultation not later than one month prior to the annual aftercare meeting with the Local Planning Authority to which the following parties shall also be invited:

- (a) All owners of land within the site
- (b) All occupiers of land within the site
- (c) Representatives of other statutory bodies as appropriate

The developer shall arrange additional aftercare meetings as required by the Local Planning Authority.

Reason: To ensure the restored land is correctly husbanded and the proposed afteruses are established and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

38. During the final year of the aftercare period and prior to the final aftercare inspection, the developer shall prepare a report on the Physical Characteristics of the site sufficient to demonstrate to the satisfaction of the Local Planning Authority that these have been restored, so far as it is practicable to do so, to what they were when the site was last used for agriculture.

Reason: To ensure the restored land is correctly husbanded and the proposed afteruses are established and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

MAINTENANCE OF HEDGES AND TREES

39. Hedges and Trees planted in accordance with any restoration scheme shall be maintained during the aftercare period in accordance with good woodland and/or agricultural practice, such maintenance to include the following:

- (a) Replacing plants which die or are lost in the subsequent planting season.
- (b) Weeding early in each growing season and as necessary thereafter to prevent the growth of plants being retarded.
- (c) Maintaining any fences around planted areas in a stockproof condition.
- (d) Appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

Reason: To ensure the restored land is correctly husbanded and the proposed afteruses are established and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

DRAINAGE AND WATER PROTECTION

40. No development approved by this permission in respect of the land edged orange on approved application No. G110-013 shall commence until:

- (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment, and agreed in writing by the Local Planning Authority.
- (b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority including details of any proposed leachate storage or treatment facilities.
- (c) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
- (d) If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

Reason: To protect the amenity of local residents and to safeguard water quality and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

41. Within 3 months of the date of the permission hereby approved a scheme detailing existing and proposed surface water management measures shall be submitted for consideration by the Local Planning Authority. Once the scheme has been approved by the Local Planning Authority the measures detailed therein shall be retained throughout the life of the development.

Reason: To ensure adequate drainage of the site and to prevent the pollution of receiving waters and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

42. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipes outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of land and receiving waters and to accord with Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

43. No deposit of waste or temporary storage of waste shall take place within 4.5m of any watercourse. Under no circumstances shall waste enter any watercourse or culvert.

Reason: To prevent the pollution of land and receiving waters and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

44. Only general, dry, commercial, industrial, household and inert waste types shall be deposited at the site.

Reason: Waste types outside these categories raise environmental and amenity issues and would require consideration afresh.

HOURS OF OPERATION

45. Except in the event of an emergency when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Council is notified of the emergency within the following 24 hours, no vehicles shall enter and leave the site and no work shall take place on the site except during the following hours:

07.00 - 18.00 Monday to Friday

07.30 - 13.00 Saturday

with no working at all on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

46. HGVs carrying waste shall not enter the site any further than the site office/weighbridge on the access road shown on approved amended application drawings No. G110-004 Rev 3 except during the following hours:

07.30 - 18.00 Monday to Friday

08.00 - 13.00 Saturday

and not at all on Sundays or Bank Holidays. These hours shall be displayed at the entrance to the site off Bellstring Lane as the official opening times for the receipt of waste for disposal at the site.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

47. Operations involving the stripping, storage and replacement of soil and the construction and removal of noise baffle and screen mounds and initial works adjacent the residential area of Mountain Way and Stafford Hill Lane site boundary shown on Section A-A on approved drawing No. G110 - 009 and works involved in the diversion of the watercourse crossing the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 and 14.00 on Saturdays and for no longer than 28 days total in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

48. Except in the event of an emergency when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Council is notified of the emergency within the following 24 hours, no servicing, maintenance and testing of plant shall be carried out at the site between 20.00 and 07.30 hours on any day and at no time on Sundays or Bank or National Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

NOISE

49. The noise attributable to site operations excluding the operations referred to in Condition 48 above but including the flaring or conversion to electricity of landfill gas or water or leachate pumping operations shall not exceed the following levels at the location specified below:

LOCATION NOISE LEVEL - dB Laeq (1 hour) Freefield

Carr Mount Farm 45 Kirkheaton Cemetery 45 Laneside 45 Mountain Way 45

Cockley Hill Farm 47

Reason: To protect the amenity of local residents and to accord with Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan policy PLP 44 and Section 11 of the National Planning Policy Framework.

50. The site shall be operated in accordance with the noise monitoring scheme Ref. AJB/JMS/P1300 and subsequent amendment approved on 6 MARCH 2002.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

51. The results of noise monitoring required by Condition No.50 above shall be kept at the site and made available to the Local Planning Authority at all reasonable times and copies of noise monitoring results shall be made available to the Local Planning Authority on request.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

52. The engines of vehicles, plant and machinery involved in the engineering, landfill and restoration operations on the site shall not be started up before 07.00 hours.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

53. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturer's recommendations and specification.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

DUST

54. The site shall be operated in accordance with the following dust suppression measures:

- Mobile water bowsers shall be maintained on site and used where site generated dust may adversely effect receptors beyond the site boundary.
- dust suppression chemicals shall be used when necessary
- All plant used on site shall have upward facing exhausts
- All heavy plant used on site shall be equipped with radiator deflector plates
- The movement of soils, overburden and the deposit of waste on site shall be suspended when the local wind speed exceeds 20 metres per second and is blowing in the direction of any residential premises within 1000 metres of the area of operation
- An on-site anemometer shall be provided and maintained in good order
- Dust suppression or collection equipment shall be used on any drilling rig used on site
- Effective wheel, tyre and chassis cleaning equipment shall be provided at the site exit
- Complaints about dust and nuisance incidents shall be recorded

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

ODOUR

55. No waste shall be burnt within the boundaries of the site and a fire at the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.

Reason: To protect the amenity of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

PREVENTING LIGHT POLLUTION

56. The details of all external floodlighting and other illumination proposed at the site shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including appropriate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated.

Reason: To safeguard the amenity of the area and of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

LANDFILL GAS INSTALLATIONS AND SITE RESTORATION

57. Landfill gas generated by the waste deposited at the site shall be controlled and utilised only in accordance with a scheme submitted prior to the deposit of any non-inert waste on the site for the approval of the Local Planning Authority. The submitted scheme shall be designed and installed in accordance with best practice and guidance from the Department for Environment Food and Rural Affairs and its Agencies:-

(i) to minimise the likelihood of gas collection pipework and extraction well failure and the need for replacement and maintenance of pipes and wells which would adversely affect the restoration of the site.

(ii) to minimise interference with the afteruse of the site for agriculture, woodland and amenity.

(iii) to prevent odour nuisance from landfill gas vents.

The submitted scheme shall provide for, inter alia:

(i) scaled plan(s) which locate monitoring stations and wells, extraction wells, well heads/manifolds, collection pipework, flares and generating stations and access to installations and plant;

(ii) indication of which installations are above ground and elevations for above ground installations;

(iii) method statements for the installation of gas collection/extraction and control systems; and for the subsequent replacement of failed wells and collection pipes.

(iv) a programme of works which provides for the installation of collection pipework and extraction wells prior to the spreading of restoration soils on the site.

Reason: To safeguard the proposed restoration of the site for woodland and agriculture and to protect the visual quality of the locality and minimise the likelihood of an odour nuisance for local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

58. All landfill gas extraction, collection, control and conversion installations and structures excluding those buried below 0.5 metres of restoration soils shall be removed from the site within 6 months from the date of issue of a Completion Certificate by the Environment Agency or its successor authority.

Reason: To safeguard the proposed restoration of the site for woodland and agriculture and to protect the visual quality of the locality and minimise the likelihood of an odour nuisance for local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

59. Landfill gas extraction and/or monitoring wells and underground collection pipes shall not be replaced unless the restoration soils which would be disturbed are in a dry and friable condition. The replacement works shall be undertaken in accordance with a method statement agreed by the Local Planning Authority and designed to prevent contamination and compaction of restoration soils and to ensure the satisfactory restoration of the area of land affected.

Reason: To safeguard the proposed restoration of the site for woodland and agriculture and to protect the visual quality of the locality and minimise the likelihood of an odour nuisance for local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

WASTE RECYCLING/TREATMENT

60. Waste shall not be treated/recycled, stored or re-exported from the site except in accordance with a scheme which shall be submitted to and agreed by the Local Planning Authority prior to the commencement of such operations on the site. The submitted scheme shall:

- (i) describe the categories and quantities of the waste to be stored, treated/recycled and re-exported, the plant and operations required.
- (ii) the location, extent and height of stockpiles and the ultimate use of the treated/recycled waste.
- (iii) indicate on a scaled plan the location and extent of land required for such operations at each phase of the development.
- (iv) describe how the operations would be screened from residential properties to the west and the south and how potential dust and odour nuisance would be avoided.

Reason: To safeguard the amenity of the area and of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

61. Any skips stored on the site shall be incidental to the landfilling of the site and shall be confined to an area which shall have been agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area and of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

MISCELLANEOUS

62. All plant and machinery not in current use shall be stored in a tidy manner and all the site operator's redundant plant, machinery, vehicles and scrap shall be removed from the site.

Reason: To safeguard the amenity of the area and of local residents and to accord with Kirklees Unitary Development Plan Policy WD5, Kirklees Publication Draft Local Plan Policy PLP 44 and Section 11 of the National Planning Policy Framework.

63. A survey of levels shall be carried out and submitted to the Local Planning Authority at intervals of not less than every 12 months starting from the date on which the deposit of imported waste on land within the green line shown on approved drawing No. G110-007 operations commences.

Reason: To enable the Local Planning Authority to monitor the approved completion and restoration of the site and to accord with Kirklees Unitary Development Plan Policy WD5 and Kirklees Publication Draft Local Plan Policy PLP 44.

64. From the commencement of development to the cessation of the use hereby permitted, a copy of the terms of this planning permission including all documents hereby permitted and any documents subsequently approved or agreed in accordance with this permission or amendments approved or agreed pursuant to this permission shall be on the site during working hours and shall be made known to any person(s) given responsibility for the management or control of waste activities/operations on site.

Reason: To enable an easy reference and to encourage compliance with the requirements of this permission (so as to ensure an orderly operation and restoration of the site).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
All plans approved under planning permission 99/62/90597/E0 (including those relating to associated discharge of conditions) unless superseded by plans in this table or via a planning condition attached to this planning permission			
Environmental Impact Assessment	September 2015		4 September 2015
Amended Final Restoration	G110.203	2	4 September 2015
Revised Planting Proposals	G110.202	3	4 September 2015

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Negotiations with the applicant resulted in the following improvements to operations at the site:

- Reductions in the number of daily HGV movements to and from the site
- The requirement to install improved wheel cleaning facilities on site
- An increase in the annual highways maintenance contribution to £15,000 per annum
- Agreement to implement a formal road cleaning strategy on Bellstring lane

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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/planning-inspectorate>
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: 05-Feb-2018

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

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 2015/70/92433/E0.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
