

Town and Country Planning Act 1990

Grant of Full Planning Permission

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| Applicant: | Biffa Waste Services | Application Number: | 11/03705/FU |
| Agent: | SLR Consulting Limited Westleigh House Wakefield Road Denby Dale Huddersfield HD8 8QJ | Date Accepted: | 27 September 2011 |
| | | Date of Decision: | 20 September 2013 |

Proposed Development At: Skelton Grange Road Stourton Leeds

Proposal: Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge

Full planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form date stamped 27 September 2011;
Planning and Sustainability Statement date stamped 27 September 2011;
Environmental Statement date stamped 27 September 2011 as revised by further information reference 411.0034.00358 dated March 2012 and revised chapter 3 of Environmental Statement dated 24 October 2012;
Design and Access Statement reference 402.0034.00350 dated August 2011;
Workplace Travel Plan reference 411.0034.00358 dated March 2012;
Correspondence from Biffa to WPA dated 20 March 2012;
Correspondence from Biffa to WPA and Yorkshire Water dated 14 May 2012;
Correspondence from Biffa to WPA dated 16 July 2012;
Correspondence from SLR to WPA reference 411.0034.00358 dated 5 September 2012;
Correspondence from Biffa to WPA dated 24 October 2012;
Correspondence from Biffa to WPA dated 4 December 2012;
Drawing Number SG1/2A (Site Layout) date stamped 27 September 2011;
Drawing Number SG7/7 (Landscape Masterplan) Revision A dated February 2012;
Drawing Number SG7/47 reference SD037500 dated November 2011;
Drawing Number SG3/1 Revision A reference SD036300 (ERF Floor Plan - 25mAOD) dated February 2012;
Drawing Number SG3/2 Revision A reference SD036400 (ERF Floor Plan - Upper Level) dated February 2012;

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Drawing Number SG3/3 Revision A reference SD036500 (ERF Floor Plan - 72mAOD) dated February 2012;
Drawing Number SG3/4 reference SD036600 (Elevation - South East) dated 1 July 2010;
Drawing Number SG3/5 reference SD036700 (Elevation - South West) dated 1 July 2010;
Drawing Number SG3/6 reference SD036800 (Elevation - North West) dated 1 July 2010;
Drawing Number SG3/7 reference SD036900 (Elevation - North East) dated 1 July 2010;
Drawing Number SG3/8 reference SD037000 (Longitudinal Section) dated 1 July 2010;
Drawing Number SG3/9 reference SD037100 (Cross Section) dated 1 July 2010;
Drawing Number SG3/10 Revision A (ERF Office Plan - 1 of 2) dated February 2012;
Drawing Number SG3/12 reference SD037400 (Weighbridge - North East) dated 1 July 2010;
Drawing Number SG3/15 Revision 2 (Bridge Sections) date stamped 5 September 2012;
Drawing Number SG3/16 Revision 2 (Works to Bridge) date stamped 5 September 2012;
Drawing Number FRA 4 (Attenuation Pond) dated 21 February 2012.

For the avoidance of doubt.

- 2) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) Not less than fourteen days prior notice in writing shall be given to the Waste Planning Authority of the intended date for the commencement of any development under the terms of this permission. Within seven days of the commencement of the development the developer shall notify the Waste Planning Authority in writing of the date of the commencement which shall be referred to hereinafter as 'the Commencement Date'.

In the interests of monitoring in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 4) Not less than seven days prior notice shall be given by the operator to the Waste Planning Authority in writing of the intended date for the commencement of first

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importation of waste to the Energy Recovery Facility, which shall be referred to hereinafter as 'the Commissioning Date'.

In the interests of monitoring in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 5) A copy of this planning permission and all documents and plans approved or subsequently approved in accordance with it shall be kept at the site, made known to the person responsible for operations on the site, and kept available for inspection during working hours of the Energy Recovery Facility.

To ensure site personnel are aware of the conditions of the planning permission.

- 6) No development shall take place until a scheme for the provision of temporary traffic signals, white lining and any other signage to manage traffic crossing Skelton Grange Road bridge during the construction period has been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented prior to the commencement of construction works and shall be maintained throughout the construction period of the operation of the Energy Recovery Facility.

In the interests of highway and pedestrian safety in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 7) No development shall take place until a scheme for the proposed Skelton Grange Road bridge improvement works as shown on approved drawing numbers SG3/15 Rev 2 date stamped 5 September 2012 and SG3/16 Rev 2 date stamped 5 September 2012 has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include full details of:

a) the proposed strengthening and improvement works to the bridge structure including:

- i) strengthening to the half-joints;
- ii) reconstruction of stringcourse to accommodate new parapets;
- iii) provision of a new waterproofing layer;
- iv) provision of new road joints;
- v) provision of new road surfacing;
- vi) general repair works;
- vii) improvement to drainage system;
- viii) new lighting columns; and
- ix) installation of new post and rail parapets to steps serving the footpath (Trans-Pennine Trail);

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- b) the provision of a double carriageway enabling two way traffic across the full length of the bridge;
- c) the new 1.3 metre wide access stairs from the island section of canal path to the bridge;
- d) the cantilevered cycleway and footpath which shall be at least 3 metres in width;
- e) the improved access ramp which shall be at least 2.5 metres in width linking the southern end of the bridge to the Trans-Pennine Trail adjacent to the southern bank of the Aire and Calder Navigation;
- f) landscaping and management adjacent and within the route of the new access ramp;
- g) a timetable for undertaking and completing the bridge improvement works and;
- h) notification to Yorkshire Water of any intended period of bridge closure.

The approved scheme shall be implemented and completed prior to the Commissioning Date and shall thereafter be retained and maintained throughout the period of the operation of the Energy Recovery Facility.

In the interests of highway and pedestrian safety in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 8) No development shall take place until a detailed lighting scheme for the full length of the unadopted section of Skelton Grange Road and new access ramp has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include full details of:

- a) the type, design and specification of lighting columns to be installed;
- b) the locations of lighting columns;
- c) any associated cabling;
- d) sensors to ensure that lights remain on during hours of darkness; and
- e) a timetable for the installation of the lighting.

The approved scheme shall be implemented and completed prior to the Commissioning Date and shall thereafter be retained and maintained throughout the period of the operation of the Energy Recovery Facility.

In the interests of highway and pedestrian safety in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 9) No development shall take place until a detailed maintenance scheme for the full length of the unadopted road, footway, cycleway, lighting, bridge and associated structures as shown on drawing numbers SG3/15 Revision 2 (Bridge Sections) date stamped 5 September 2012 and SG3/16 Revision 2 (Works to Bridge) date stamped 5

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September 2012 has been submitted to and approved in writing by the Waste Planning Authority. Once approved the maintenance scheme shall be implemented prior to the Commissioning Date and thereafter maintained.

In the interests of highway and pedestrian safety in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 10) No development shall take place until details of improvements to pedestrian crossings in the form of controlled facilities and associated works at the junction of Skelton Grange Road and Pontefract Road have been submitted to and approved in writing by the Waste Planning Authority. Once approved, the works shall be implemented prior to the Commissioning Date.

In the interests of highway and pedestrian safety in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 11) Notwithstanding the details shown on the approved plans or described within the approved documents, no development shall take place until an integrated landscape and biodiversity plan has been submitted to and approved in writing by the Waste Planning Authority.

Hard landscape details shall include:

- a) proposed finished levels and/or contours;
- b) boundary details and means of enclosure;
- c) other vehicle and pedestrian access and circulation areas;
- d) hard surfacing areas;
- e) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); and
- f) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape details shall include:

- a) planting plans;
- b) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment); and
- c) schedules of plants noting species, planting sizes and proposed numbers/densities.

Biodiversity details shall include:

- a) areas of habitat creation including those as identified within paragraphs 11.136 to 11.140 of the Environmental Statement date stamped 27 September 2011 and

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paragraph 8.20 of the further information reference 411.0034.00358 dated March 2012;

b) measures to be taken to reduce light spillage from the site on to sensitive habitats as identified within paragraphs 8.21 to 8.26 of the further information reference 411.0034.00358 dated March 2012 and;

c) profile and form of the attenuation lagoon which shall be designed to maximise its potential biodiversity value and shall include slopes of no more than 1 in 4 gradient and undulating levels to create a variety of depths and wetland.

All works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Waste Planning Authority prior to the date agreed in the implementation programme.

Once approved, the scheme shall be implemented and carried out in accordance with the approved details throughout the period of construction and operation of the Energy Recovery Facility.

To deliver a high quality landscape and planting scheme and to make the site suitable for use in accordance with policies LD1, N24, N25 and GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 and LAND 2 of the Natural Resources and Waste Local Plan (2013).

- 12) Notwithstanding the details shown on the approved plans or described within the approved documents, the erection of buildings, structures or flues hereby permitted shall not commence until details and samples of the external materials to be used in their construction, including details of finishes, colours and treatment, have been submitted to and approved in writing by the Waste Planning Authority. Sample panels of the proposed materials shall be constructed and provided on the site as part of the submitted details. The submitted details shall also include a glint and glare assessment to ensure that receptors outside the site boundary are not affected. The development shall be carried out in accordance with the approved details. Thereafter the materials used on the external parts of the buildings shall be maintained as approved.

To ensure the use of suitable materials in the construction of the development and maintenance in the interests of visual amenity and the living conditions of occupiers of nearby property in accordance with policies BD5, N12 and N13 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

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- 13) No development shall take place until all the protected species mitigation measures as identified within Section 11, paragraphs 11.145 to 11.146 and 11.150 inclusive of the Environmental Statement date stamped 27 September 2011 and paragraphs 8.11 to 8.15 and 8.17 to 8.19 inclusive of the further information reference 411.0034.00358 dated March 2012 have been implemented.

To ensure that necessary mitigation measures are implemented in accordance with policies GP5 and N49 of the Leeds Unitary Development Plan Review (2006).

- 14) No development shall take place until a scheme detailing the design and construction, together with a hydrogeological risk assessment, of the fuel storage bunkers has been submitted to and approved in writing by the Waste Planning Authority, in consultation with the Environment Agency. The scheme shall include details to demonstrate that the design and construction methods will not give rise to the risk of pollution to groundwater. The development shall be carried out in accordance with the approved details and thereafter be retained, subject to any changes to such scheme that are agreed in writing with the Waste Planning Authority, in consultation with the Environment Agency.

To provide adequate long term protection to the water environment at the site, comprising groundwater in the underlying secondary aquifer of the Lower Coal Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire in accordance with policies WATER 6, WATER 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 15) No development shall take place until a scheme showing the method and working of drainage facilities for the site has been submitted to and approved in writing by the Waste Planning Authority, in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details and thereafter be retained. The scheme shall include:

- a) measures to ensure that no leachate or any contaminated surface water from the site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
- b) provision for trapped gullies in car parks, hardstandings and roadways;
- c) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system; and
- d) provision to ensure all surface water storage lagoons / swales / ponds are fitted with inlet and outlet oil/petrol interceptors and an outlet penstock.

To provide adequate long term protection to the water environment at the site, comprising groundwater in the underlying Secondary aquifer of the Lower Coal

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Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire in accordance with policies WATER 6, WATER 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 16) No development shall take place until a Construction Phase Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include full details of:
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - b) measures to control the emissions of dust and dirt during construction;
 - c) Construction Traffic Management Plan to include as a minimum: details of the proposed construction programme, a profile for HGV movements over the construction period to include a daily profile for movements, details of the number of construction staff to be on site along with details of their start and finish times; and a routing strategy for any abnormal loads; and
 - d) Construction Phase Travel Plan.

The approved details shall be implemented at the commencement of construction works and shall thereafter be retained and employed until completion of construction works.

To ensure the safe and efficient operation of the strategic and local highway network and to reduce the likelihood of nuisance in the interests of the living conditions of the occupants of nearby property in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006).

- 17) No development shall take place until a detailed Site Waste Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The plan shall identify the main waste materials expected to be generated by the development during construction of the Energy Recovery Facility and set out measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling and recovery, including:
- a) any additional information on waste generated prior to the construction phase including detailed site investigation activities and contract documentation;
 - b) the intended arrangements for managing construction waste (including the re-use of material generated on the site within the footprint of the built development and soft landscaping works on site); and
 - c) the proposed measures for waste minimisation during the construction phase.

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The approved Site Waste Management Plan shall be implemented on the commencement of construction works and throughout the construction period.

To ensure that waste generated by the construction phase is minimised and reused in a suitable manner, in accordance with policies GP5 and GP12 of the Leeds Unitary Development Plan Review (2006) and LAND 1 and Waste 9 of the Natural Resources and Waste Local Plan (2013), together with the aims and objectives included in the Leeds Sustainable Design and Construction Supplementary Planning Document (2011).

- 18) No development shall take place until a scheme for the management of foul water during the construction phase of the development has been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full prior to the Commencement Date and thereafter retained for the duration of construction works.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6, WATER 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 19) No development shall take place until a surface water management scheme for the construction phase of the development has been submitted to and approved in writing by the Waste Planning Authority. This shall include details of how any contaminated or potentially contaminated waters will be managed during the construction phase. The approved scheme shall be implemented in full prior to the Commencement Date and thereafter retained for the duration of construction works.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6, WATER 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 20) No development shall take place until a scheme for the management and means of disposal of foul water during the operational phase of the development including details of any balancing works and off-site works has been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full prior to occupation or the Commissioning Date, whichever the sooner, and retained for the duration of the Energy Recovery Facility.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6 and 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

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- 21) No development shall take place until a method statement for the control and eradication of Giant Hogweed and any other invasive species present at the site has been submitted to and approved in writing by the Waste Planning Authority. Once approved, the method statement shall be implemented.

To control the spread of invasive plant species in accordance with policies LD1 and N49 of the Leeds Unitary Development Plan Review (2006).

- 22) No development shall take place until a Phase I Desk Study has been submitted to, and approved in writing by, the Waste Planning Authority and:
- a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Waste Planning Authority,
 - b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Waste Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use any in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 of the Natural Resources and Waste Local Plan (2013).

- 23) Prior to the commencement of construction works on the site a Demolition and Construction Noise Management Scheme shall have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the noise attenuation measures to be applied during the demolition and construction phases, including consideration of the following site practices:
- a) phasing the works to maximise the benefit from perimeter structures;
 - b) compressors brought on to site should be silenced or sound reduced models fitted with acoustic enclosures;
 - c) fitting pneumatic tools with silencers or mufflers;
 - d) deliveries should be programmed to arrive during daytime hours only;
 - e) care should be taken when unloading vehicles to minimise disturbance to local residents;
 - f) delivery vehicles should be prohibited from waiting within the site with their engines running;

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- g) all plant items should be properly maintained and operated according the manufacturers' recommendations in such a manner as to avoid causing excessive noise;
- h) plant should be sited to that the noise impact at nearby noise-sensitive properties is minimised; and
- i) local hoarding, screens or barriers should be employed as necessary to shield particularly noisy activities.

The approved Demolition and Construction Noise Management Scheme shall be implemented on commencement of the development and throughout the construction period.

To minimise potential for noise in the interests of the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 24) Prior to the commencement of construction works on the site, details of the site compound, manoeuvring areas and parking areas shall have been submitted to and approved in writing by the Waste Planning Authority. Prior to any construction works commencing, the approved areas shall be clearly marked out on site with linage and signed and retained for the duration of construction works. No vehicles in connection with the construction and operational development (including contractor and employee vehicles) shall be parked outside of the specified parking areas.

To provide adequate circulation and parking facilities during the construction and operation of the development and to ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 25) Prior to the commencement of construction works on the site, a project programme detailing the following information shall have been submitted to the Waste Planning Authority:
- a) survey of the site, including confirmation of the precise location of the built development;
 - b) programmed date of commencement of construction works on the site;
 - c) programmed date of completion of construction works on the site;
 - d) anticipated height above ground of the tallest structure on site; and
 - e) anticipated maximum extension height of any plant or equipment used in the construction works.

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The Waste Planning Authority shall be notified in writing should any of the above details be changed, and in the case of point e) prior to the use of the plant or equipment on site.

In the interests of aviation safety in accordance with policy T30C of the Leeds Unitary Development Plan Review (2006).

- 26) Prior to the commencement of construction works on the site, full details of aviation warning lighting to be attached to the flues shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be retained.

In the interests of aviation safety in accordance with policy T30C of the Leeds Unitary Development Plan Review (2006).

- 27) Prior to the commencement of construction works on the site, full details of the solar panels to be sited on the roof of the office structure, including their technical specification, dimensions and their proposed layout shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be retained.

In the interests of visual amenity in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

- 28) Prior to the commencement of construction works on the site, a Construction Phase Travel Plan shall have been submitted to and approved in writing by the Waste Planning Authority. The Travel Plan shall encourage use of public transport by staff and visitors to the site during the construction phase and other measures to help reduce car usage by construction workers during the construction works.

To encourage sustainable transport and ensure control of vehicle movements associated with the construction phase in accordance with T2C and GP12 of the Leeds Unitary Development Plan Review (2006).

- 29) No site preparation or construction works shall take place at the site other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1600 (Saturday).

In the interests of the living conditions of occupiers of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

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- 30) There shall be no site preparation or construction works at the site on Sundays, Bank Holidays or Public Holidays.

In the interests of the living conditions of occupiers of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 31) During the construction phase of the development there shall be no more than 18 HGV movements (9 in and 9 out) to and from the site during the AM peak of 0730-0830 hours and no more than 8 HGV movements (4 in and 4 out) to and from the site during the PM peak of 1645-1745 hours. For the avoidance of doubt, HGV is defined as any vehicle having an operating weight exceeding 7.5 tonnes for the purposes of this condition.

To ensure the safe and efficient operation of the strategic and local highway network.

- 32) No lighting fitment shall be installed on the site in such a way that the source of light shines directly towards the adjacent river corridor, nearby residential properties or adjoining / nearby highways.

To minimise the potential for glare in the interests of the living conditions of occupiers of nearby property and to safeguard the free and safe flow of vehicular traffic in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006).

- 33) Prior to the Commissioning Date the vehicle circulation and vehicle parking areas shown on drawing numbers SG1/2A (Site Layout) date stamped 27 September 2011 and SG7/7 (Landscape Masterplan) Revision A dated February 2012 shall be laid out, hard surfaced, sealed, drained, marked out with white lines and adequately signed. Thereafter the vehicle circulation and parking areas shall be retained and maintained for vehicle use for the duration of the Energy Recovery Facility.

To provide adequate circulation and parking facilities and ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 34) Prior to the Commissioning Date the Workplace Travel Plan reference 411.0034.00358 dated March 2012 shall be implemented in full.

To encourage sustainable transport and ensure control of vehicle movements associated with the construction phase in accordance with T2C and GP12 of the Leeds Unitary Development Plan Review (2006).

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- 35) Prior to the Commissioning Date a scheme detailing potential bird attractant issues at the site and any mitigation measures deemed necessary through a risk assessment shall have been submitted to and approved in writing by the Waste Planning Authority.

In the interests of aviation safety in accordance with policy T30C of the Leeds Unitary Development Plan Review (2006).

- 36) Within 12 months of the commencement of development, a scheme of operational phase signage for the site shall have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented prior to the Commissioning Date and the signage shall thereafter be retained and maintained throughout the period of the operation of the Energy Recovery Facility.

In the interests of visual amenity and highway safety in accordance with policies BD8, GP5 and T2 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

- 37) Notwithstanding details which have already been approved pursuant to this planning permission, within 12 months of the commencement of development, full details of cycle/motorcycle parking and facilities shall have been submitted to and approved in writing by the Waste Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to the Commissioning Date. The facilities shall thereafter be retained throughout the period of operation of the Energy Recovery Facility.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A.

- 38) Within 12 months of the commencement of development an IBA management scheme for the emergency IBA laydown area shall have been submitted to and approved in writing by the Waste Planning Authority. The management scheme shall detail the criteria for use of this area for such storage and the mitigation measures to ensure that all such material is maintained within the approved area. The scheme shall also provide for dust mitigation measures. The IBA management scheme shall be implemented in accordance with the approved details prior to the Commissioning Date and thereafter retained throughout the period of operation of the Energy Recovery Facility.

To minimise potential for windblown escape of material in accordance with policies GP5 and GP12 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

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- 39) Within 12 months of the commencement of development an Operational Lighting Scheme shall have been submitted to and approved in writing by the Waste Planning Authority. The submitted scheme shall include the following details:
- a) hours of use of external lighting on the site and internal lighting that would be visible externally;
 - b) the exact location and specification of any external lighting;
 - c) the specification including height for any fixed or mobile structures;
 - d) the intensity of the lights;
 - e) a plan of the site showing proposed lux levels and the identification of areas to be illuminated and any measures to prevent light spilling onto areas outside the approved site;
 - f) measures such as shrouding to minimise disturbance through glare;
 - g) details of any translucent parts of the building's external fabric or cladding, including the degree of transparency of materials, and any measures to minimise light spillage; and
 - h) lighting design for the external façades of the Energy Recovery Facility.

The lighting scheme shall be implemented in accordance with the approved details and thereafter retained throughout the period of operation of the Energy Recovery Facility.

In the interests of the living conditions of occupiers of nearby property in accordance with policies BD14 and GP5 of the Leeds Unitary Development Plan Review (2006).

- 40) Within 12 months of the commencement of construction works an operational phase surface water drainage scheme based upon sustainable drainage principles and the hydrological context of the site, including improvements to the existing drainage arrangements to comply with the Council's 'Minimum Development Control Standards for Flood Risk' document, shall have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full prior to the Commissioning Date and retained for the duration of the Energy Recovery Facility.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6, WATER 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 41) Within 12 months of the commencement of the development, an integrated landscape and biodiversity management plan for the site, including long term objectives, monitoring (including the submission of an annual monitoring report to the Waste Planning Authority), management / maintenance responsibilities and schedules shall be submitted to and approved in writing by the Waste Planning Authority. The integrated landscape and biodiversity management plan shall cover the lifetime of the

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site Energy Recovery Facility and shall include a facility for review every five years. The approved integrated landscape and biodiversity management plan shall be implemented in full prior to the Commissioning Date and retained for the duration of the Energy Recovery Facility.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 42) Within 12 months of the commencement of development, a monitoring schedule shall have been submitted to and approved in writing by the Waste Planning Authority to provide a programme for the submission of annual waste throughput figures including the amount of waste recycled on an annual basis in accordance with the approved monitoring schedule. Once approved, the monitoring schedule shall be implemented and retained for the duration of the Energy Recovery Facility.

In accordance with the monitoring of Leeds Natural Resources and Waste Local Plan (2013).

- 43) Within 12 months of the Commissioning Date or other such period agreed in writing with the Waste Planning Authority a Certificate of Validation issued by the Building Research Establishment (or equivalent) shall have been submitted to the Waste Planning Authority to confirm that a final rating of, or equivalent to 'BREEAM Very Good' (as defined by BREEAM Bespoke 2008 Standard) has been achieved.

To ensure the adoption of appropriate sustainable design principles in accordance with policies GP5, GP11 and GP12 of the Leeds Unitary Development Plan Review (2006).

- 44) By the end of each calendar year a Combined Heat and Power and Carbon Reduction Strategy report shall have been submitted to the Waste Planning Authority. The report shall describe the steps being taken towards delivering Combined Heat and Power output from the Energy Recovery Facility.

To ensure efforts are monitored in delivery of a full Combined Heat and Power scheme and carbon reduction benefits reported in accordance with policies GP5, GP11 and GP12 of the Leeds Unitary Development Plan Review (2006) and ENERGY 3 of the Natural Resources and Waste Local Plan (2013).

- 45) No waste materials other than non-hazardous waste shall be accepted at the site.

In the interests of controlling the type of waste consigned to the facility, in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

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- 46) No more than 300,000 tonnes of non-hazardous waste shall be accepted at the Energy Recovery Facility in any calendar year.

In the interests of controlling the number of Heavy Goods Vehicle (a vehicle which has a weight exceeding 7.5 tonnes) movements and type and amount of waste consigned to the facility, in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

- 47) Notwithstanding the details shown on approved drawing number SG3/8 reference SD037000 (Longitudinal Section) dated 1 July 2010 no flue shall be greater than 90 metres in height (no greater than 115 metres AOD).

In the interests of visual amenity in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

- 48) During the operational phase of the Energy Recovery Facility no storage container, skip, waste or recycled materials shall be stored outside of the buildings other than IBA within the emergency IBA laydown area as shown on drawing number SG1/2A (Site Layout) date stamped 27 September 2011, or on operational vehicles awaiting despatch.

To minimise potential for windblown litter escape and odour and in the interests of visual amenity, in accordance with policies GP5 and GP12 of the Leeds Unitary Development Plan Review (2006) and Waste 9 of the Natural Resources and Waste Local Plan (2013).

- 49) No waste materials shall be imported to the site and no waste or recyclable materials shall be exported from the site other than in vehicles which are enclosed, sheeted, or equipped with sealed containers. No Air Pollution Control waste or residues shall be exported from the site other than in enclosed vehicles.

To minimise potential for windblown litter and dust escape and protect local amenity in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 50) The combined rating level of plant noise from the operational Energy Recovery Facility when measured and/or calculated shall not exceed the following values at the nearest façade of the specified noise sensitive premises:

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| Noise Sensitive Premises (Receptor) | Rating Level 0700 - 2300 (dB(A)) free-field | Rating Level 2300 - 0700 (dB(A)) free-field |
|-------------------------------------|---|---|
| Yarn Street / Hunslet Mill | 41 | 27 |
| Thwaite Mill | 44 | N/A |
| Skelton Grange EEC | 45 | N/A |
| Skelton Moor Farm | 46 | 37 |
| Cartmell Drive / Halton Moor Road | 36 | 34 |

To minimise potential for noise nuisance in the interests of the living and working conditions of occupiers of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 51) No building or other obstruction shall be located over or within 5 metres either side of the centre line of the sewer which crosses the site.

To ensure the sewer is not damaged and access for future maintenance and repair is preserved in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006).

- 52) Unless otherwise agreed in writing by the Waste Planning Authority, no building or other obstruction shall be located over or within 5 metres either side of the centre line of the 12" water mains (i.e. protected strip widths of 10 metres per water main) that cross the site. Furthermore, development shall not commence until suitable protection works for the water mains such as appropriate diversion measures have been implemented to the satisfaction of the Waste Planning Authority.

In order to protect public water supply infrastructure and allow sufficient access for maintenance and repair work at all times.

- 53) Unless otherwise agreed in writing by the Waste Planning Authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the 6" and 9" water mains (i.e. protected strip widths of 6 metres per water main) that cross the site. Furthermore, development shall not commence until suitable protection works for the water mains such as appropriate diversion measures have been implemented to the satisfaction of the Waste Planning Authority.

In order to protect public water supply infrastructure and allow sufficient access for maintenance and repair work at all times.

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- 54) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Waste Planning Authority before the Commencement Date.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 55) Remediation works shall be carried out in accordance with the Remediation Statement approved under condition 22. On completion of those works, the Verification Report(s) shall be submitted to the Waste Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Waste Planning Authority.

To ensure that any necessary remediation works are fully implemented and the site has been demonstrated to be suitable for use in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 of the Natural Resources and Waste Local Plan (2013).

- 56) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Waste Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. A revised Remediation Statement shall have been submitted to and approved in writing by the Waste Planning Authority prior to any further remediation works taking place. All subsequent remediation works shall be carried out in accordance with the approved revised Remediation Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 of the Natural Resources and Waste Local Plan (2013).

- 57) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Waste Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Waste Planning Authority.

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To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 58) No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Waste Planning Authority.

To ensure the protection of wild birds during the breeding season and in accordance with adopted Leeds UDP Review (2006) policy GP5, Natural Resources and Waste Local Plan (2013) policy Waste 9 and the National Planning Policy Framework.

- 59) No tree/hedge/bush identified on the approved plans to be retained shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars, without the prior written approval of the Waste Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.

If any tree/hedge/bush identified on the approved plans to be retained is removed, uprooted or destroyed or dies the Waste Planning Authority shall be notified forthwith in writing. Another tree/hedge/bush of an agreed size and species shall be planted at the same place and at such time, as may be specified in writing by the Waste Planning Authority.

To ensure the continuity of amenity afforded by existing vegetation, in accordance with policies GP5, N23 and LD1 and GP12 of the Leeds Unitary Development Plan Review (2006).

- 60) No combustion of waste shall take place at the Energy Recovery Facility apart from during commissioning until a grid connection to a substation has been installed and is capable of transmitting electricity generated by the Energy Recovery Facility, except for:
- a) periods of grid and/or grid connection fault, maintenance, inspection or repair, or;
 - b) where the Energy Recovery Facility is exporting exclusively heat to a District Heating Scheme and/or steam to industrial users, or;
 - c) at the direction of the holder of a licence under section 6(1) (b) or (c) of the Electricity Act 1989, who is entitled to give such direction in relation to transmission of electricity from the Energy Recovery Facility to the national grid.

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To ensure the provision of low carbon energy in accordance with policies GP12 of the Leeds Unitary Development Plan Review (2006) and ENERGY 3 of the Natural Resources and Waste Local Plan (2013).

- 61) All interconnecting cabling between the Energy Recovery building and the sub-station within the site shall be installed underground except for where it is necessary to join the appropriate apparatus.

In the interests of amenity of the area in compliance with Policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 62) Within 10 working days of the end of each month from the Commissioning Date the average daily emissions for the Energy Recovery Facility shall be published online by the applicant for public access and be available at all times. Hard copies of the emissions monitoring summary data shall be made available to members of the Community Liaison Committee through its meetings. Within 28 days of the Commencement Date, details of the online web address shall have been submitted to the Waste Planning Authority.

To ensure that monitoring data is publicly available in the interests of GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 63) Within 48 hours of receiving any complaint (or other such period agreed in writing by the Waste Planning Authority) relating to noise, dust, litter, odour or other amenity related matters the site operator shall notify the Waste Planning Authority in writing and include the following information:

- a) the nature of the complaint;
- b) date and time of the complaint being received;
- c) the details of the complainant;
- d) any actions that have been taken or are to be taken by the applicant (or successor in title or operator) to resolve the complaint, if founded;
- e) details of any agencies or companies involved in the resolution of the complaint;
- f) timeframe(s) for any future mitigation action and / or monitoring to ensure that the complaint does not re-occur; and
- g) results of any investigation and / or any monitoring undertaken.

To secure the investigation of any complaints in the interests of the living conditions of occupiers of nearby property and the environment in accordance with policy GP5 of the

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Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

- 64) Notwithstanding any other details approved pursuant to this planning permission the removable bollards used to prevent coaches or other vehicles driving into the pedestrianised plaza to the front of the ERF building shall be at least 1000mm high and contrast visually with the background against which they are to be seen, in accordance with BS8300:2009 5.7.1.2. The removable bollards shall also incorporate a band, 150mm high, towards their top edge which contrasts with the surface of the bollard.

In the interests of pedestrian safety.

Plans Schedule :-

| Plan Type | Plan Reference | Received |
|-----------|-----------------|----------|
| Other | SEE CONDITION 1 | |

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.
- 2) For information:-

The Energy Recovery Facility will require an Environmental Permit from the Environment Agency.

The applicant/developer is advised to contact third party works engineer, Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' Code of Practice for Works affecting British Waterways.

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The applicant should be aware that an Environmental Permit will be required for any discharge to ground of domestic sewage effluent of >2m³/d. This activity will not form part of the Environmental permit for the energy from waste facility and requires a separate application to be made. The method for non-mains drainage system should secure the appropriate mitigation identified in a non-mains drainage assessment as required under DETR Circular 03/99.

The applicant is advised that the West Yorkshire Fire Service recommends the provision of sprinkler protection in the development to 'High Hazard' standard in accordance with BS EN 12845:2004 +A2:2009.

The applicant is advised that the West Yorkshire Fire Service recommends provision of water supplies (hydrants) in accordance with Approved Document B: Vol 2 - Section B5.

The applicant is advised that the West Yorkshire Fire Service recommends provision of access and facilities for the fire service in accordance with Approved Document B: Vol 2 - Section B5.

The applicant is advised that the West Yorkshire Fire & Rescue Service has dual purpose pumping/high reach appliances. These appliances have a working width of 5.08 metres and a gross weight of 24 tonnes. In addition, many of the traditional 12 tonnes pumping appliances have been replaced with multi-purpose heavy rescue appliances having a gross weight of 15 tonnes.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The applicant is advised that any extraction of surface coal from the site requires an Incidental Coal Agreement from The Coal Authority; further information can be found at:
http://coal.decc.gov.uk/en/coal/cms/services/licensing/license_apps/license_apps.aspx

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Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings / coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

The costs of the abandonment of the water mains within the site are to be borne by the developer as agreed within the correspondence from Biffa to Yorkshire Water dated 14 May 2012.

Inspection manholes should be provided on foul and surface water systems such that discharges can be inspected / sampled if necessary.

The site developer should ensure that there is no possibility of any contaminants, which may be present on the site, entering and causing pollution of surface or ground waters during site excavation and construction.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor with a design capacity compatible with the site being drained.

Any oil interceptors / sediment chambers should be regularly maintained in accordance with manufacturer's guidelines and sediment not permitted to accumulate, as this will reduce capacity and functionality.

All reports addressing land contamination should be compiled in accordance with best practice, taking into account national and Leeds City Council's planning guidance.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:

The Blue Leaflet (CL2) - Reports in Support of Planning Applications
The Green Leaflet (CL3) - Human Health Quantitative Risk Assessment
The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

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These leaflets can be obtained from the Council at the Leonardo Building Reception, 2 Rossington Street, Leeds, LS2 8HD or from the website www.leeds.gov.uk/contaminatedland

The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use pursuant to national and Leeds City Council's planning guidance. This includes the quality of imported soils and soil forming materials. The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose.

The Environment Agency advise that unsuspected contamination may exist at the site which may pose a risk to the underlying Secondary aquifer of the Lower Coal Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire. Particular attention should be paid to the areas surrounding BH4, as arsenic and benzo(a)pyrene have been encountered at fluctuating concentrations in the groundwater over the sampling record.

The applicant is advised that the use of palisade fencing at this site would not be acceptable.

- 3) The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site or that there is likely to be a need to enter into such Agreement/offer an Obligation to discharge the requirements of conditions above.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority. Property specific summary information on coal mining can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com;

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

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Important Information about Your Planning Permission

Town and Country Planning (Development Management Procedure) (England) Order 2010

This decision notice only relates to the grant of planning permission. It does not give any approval or consent which may be needed under any legislation, enactment, bye-laws, order or regulation other than the Town and Country Planning Act 1990 as amended. You may need other approvals, consents or licenses for the development eg building regulations approval.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

This planning permission is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the responsibility of the owner(s) and the person(s) implementing the development to ensure that the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

Conditions which require work to be carried out or details to be approved prior to commencement are very important and are called '**conditions precedent**'.

This means:

- (a) If a condition precedent is not complied with, the whole of the development might be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify this is by the submission of a new application to obtain a fresh planning permission.

A fee of £97 per request or £28 if the request relates to a householder application is payable to discharge condition(s). The request needs to identify the planning application number and the condition(s) concerned; a form is available from our website www.leeds.gov.uk/planningforms titled Approval of Details application form.

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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, using a form which you can obtain from <http://www.planningportal.gov.uk/planning/appeals> or by email from enquiries@pins.gsi.gov.uk or by phoning 0117 372 6372.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Planning Services, Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD as well as to the Planning Inspectorate at the address on the form.

