

Contact Officer: Sheila Dykes

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 6th March 2025**

Present: Councillor James Homewood (Chair)  
Councillor Bill Armer  
Councillor Eric Firth  
Councillor Jo Lawson  
Councillor Andrew Pinnock  
Councillor Mark Thompson

Apologies: Councillor Paul Moore  
Councillor Mohan Sokhal

**1 Membership of the Committee**

Councillor Eric Firth substituted for Councillor Mohan Sokhal.

Apologies were received from Councillors Paul Moore and Mohan Sokhal.

**2 Minutes of the Previous Meeting**

**RESOLVED -**

That the minutes of the meeting of the Committee held on 30<sup>th</sup> January 2025 be agreed as a correct record.

**3 Declaration of Interests and Lobbying**

Councillors Homewood and Andrew Pinnock advised that they had been lobbied direct in respect of Application 2024/92394.

Councillor Armer advised that he had been lobbied direct in respect of Application 2023/91280.

All Members of the Committee had been sent documents in respect of Applications 2024/92394 and 2023/91280.

**4 Admission of the Public**

All items were considered in public session.

**5 Public Question Time**

No questions were asked.

**6 Deputations/Petitions**

No deputations or petitions were received.

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### 7 **Site Visit - Planning Application 2023/91280**

Site visit undertaken.

### 8 **Site Visit - Planning Application 2023/92966**

Site visit undertaken.

### 9 **Planning Application - Application No. 2023/91280**

The Committee considered Planning Application 2023/91280 in respect of quarrying operations for the extraction of clay, shale and incidental coal, and subsequent restoration by means of importation of inert wastes at Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Sheila Lock and Bill Shaw (objectors) and Mark Barratt (on behalf of the applicant).

#### **RESOLVED -**

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:

(a) complete the list of conditions including those contained within the report, as set out below:

#### Time limits/restrictions

1. Mineral extraction to cease and completion of site restoration by 31/03/2050, in accordance with an approved restoration scheme.
2. Prior cessation measures to deal with restoration and aftercare in the event that mineral extraction is abandoned/ceases.
3. Requirement to have all approved documents on site for the duration of operations for inspection.
4. Pre commencement condition requiring further details/surveys in relation to protected species.
5. Mitigative measures & recommendations as set out in the PEA to be adhered to, including the implementation and management of net gain on site.
6. Finer restoration details to accommodate additional tree/hedge planting along northern boundary and to achieve the BNG as proposed.
7. Levels to be achieved in accordance with submitted details prior to soft landscaping commencing internally within the site.
8. Restrict mineral extraction depths and extent of mineral workings, in accordance with submitted plans/details.
9. Tree root protection to protect Kirklees Wildlife Habitat Network.
10. A geophysical survey (sub surface archaeological investigations) is carried out to establish potential archaeological interest- details to be submitted to MPA.

#### Plans

11. Works to be carried out in accordance with approved details/plans.

#### Access and Vehicular Movements

12. Widening of shared access road before importation and exportation of any mineral from the site.
13. Gates to be set back 17m from junction with shared access road.

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14. First 50m of new access road to be hard surfaced, details (to include drainage) to be submitted to and approved before mineral extraction commences.
15. HGVs site shall not exceed: Mon to Sat - 60 inward 60 outward.
16. HGVs to follow route as shown on HGV routing plan.
17. Prior to use of new access road details of wheel/bath to be submitted and approved in writing by MPA. The wheel bath shall be provided in the location approved before bringing into operation the new approved access road and thereafter be maintained in good operational condition and used for wheel cleaning for the lifetime of the permission.
18. HGV wheels and chassis to be cleaned before entering highway.
19. All loaded HGVs leaving the site to be sheeted.
20. Permanent closure of existing access from Cumberworth Lane, details of which shall need to be approved by MPA and implemented up on bringing into use the new access road.
21. Plan to be submitted showing parking provision for quarry associated vehicles/traffic within the application red line.
22. Access Management Plan.
23. The site operator shall at all times keep a record of all HGV movement in and out of the site and shall be provided in writing to the Mineral Planning Authority upon request.

### Preparatory/Soil Stripping Works

24. All top soils and subsoil to be stripped and stored separately prior to mineral excavation.
25. Screen bunds to be constructed using on site material only as per submitted details and as per noise assessment.
26. Following soil stripping the MPA to be advised in writing of volumes of topsoil and subsoil.
27. Soils storage mound to be maintained in good condition grassed within 3 months and maintained to control weeds.

### Working Programme

28. Requirement to notify MPA at commencement of works involving site preparation, entering a new phase, commencement of backfilling, completion of backfill, completion of phased restoration, completion of final restoration.

### Restoration

29. The MPA to be given 7 days' notice prior to the spreading of sub soil or top soil.
30. Subsoil and top soil to be spread at specific depths and to be worked to provide a satisfactory medium for planting.
31. Any area of grass seeding which fails, will be re-seeded within the next available Planting Season.
32. All site infrastructure to be removed and associated land reinstated following final restoration of the site.
33. Levels to be achieved as shown on submitted plans, prior to soft landscaping commencing.

### Amenity

34. Restrict hours of operation of the quarry in accordance submitted details.
35. Dust mitigation measures to be implemented in accordance with those detailed in the Dust Management Plan.
36. Noise conditions as suggested by Environmental Health.

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37. No fires or blasting at the site.
38. Reporting of unexpected contamination.
39. No mobile crushing/screening plant on site.

### Water Protection and Pollution Prevention

40. Only uncontaminated inert waste shall be deposited on the site and there shall be no deposit of any other material capable of producing a polluting leachate.
41. Details of a scheme restricting the rate of treated surface water discharge from the site in accordance with the LLFA comments shall be submitted and approved.
42. Works to be carried out in accordance with the submitted Flood Risk Assessment and Hydrogeological Risk Assessment.
43. Development to be carried out in accordance with the measures detailed in section 7.4 of the Coal Mining Risk Assessment.
44. If old workings are intersected by the excavation, Network Rail require any such workings in the sidewall alongside railway property to be sealed with clay to prevent the ingress of water into any old workings beneath railway property. Where any such workings are encountered, Network Rail requires to be notified, prior to the construction of clay seals and backfilling, to enable an inspection to be made.
45. Pre commencement condition to submit a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority (Environment Agency).
46. Remediation of site to be carried out and completed in accordance with the Contaminated Soils Area and Storage Plan by Silkstone Environmental Ltd., dated February 2024 (drawing no. 22007/515) and the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1).
47. Submission of Verification Report – Condition.

### Aftercare

48. Requirement to provide an outline aftercare scheme.
49. Requirement to provide a detailed annual aftercare scheme.
50. Requirement to arrange an annual aftercare meeting.

- (b) secure a unilateral undertaking from the applicant confirming that the coal extracted from the site will not be exported from the site.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Firth, Homewood and Lawson (3 votes)

Against: Councillors Armer, Pinnock and Thompson (3 votes)

Councillor Homewood used his casting vote in favour of the motion and this was therefore carried.

## 10 Planning Application - Application 2024/92394

The Committee considered Planning Application 2024/92394 for the development of an attenuation basin and associated access relating to planning permission 2021/92801 on land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton.

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Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Kath Pinnock.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Mr T Rankin (objector) and Jon Beeson (on behalf of the applicant).

### **RESOLVED -**

That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions including those contained within the report (subject to the deletion of Conditions 6, 7, 8, 9 and 10) and the update (two additional conditions, 10 and 11 below), as set out below:

1. Three years to commence development
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan, including details of engagement with local residents.
4. Submission of temporary drainage scheme.
5. Submission of maintenance, management and monitoring arrangements (including in relation to drainage infrastructure, Biodiversity Net Gain and public footpath crossing)
6. Implementation of mine shaft remediation (as per condition 23 of permission 2021/92801).
7. Submission of a full landscaping scheme.
8. Submission of details of access track (including adoptable connection to residential development's estate road network, materials, boundary treatments, gates, and public footpath crossing).
9. Submission of boundary treatment details (including warning signage).
10. Unexpected contamination (if found) to be reported. Remediation Strategy to be submitted.
11. Strategy to be submitted if imported materials are to be used

together with additional conditions to secure:

12. Provision of additional water safety features
13. Provision of construction access between Hunsworth Lane and the site prior to basin development commencing.

and an informative, advising the applicant that the statutory pre-commencement condition (requiring a Biodiversity Gain Plan to be submitted to and approved by the Local Planning Authority) is also recommended.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Firth, Homewood, Lawson, Pinnock and Thompson  
(6 votes)

**11 Planning Application - Application 2023/92966**

The Committee considered Planning Application 2023/92966 for the demolition of existing dwelling and erection of 97 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works on land to the rear of 271 Cliffe Lane, Gomersal, Cleckheaton.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor David Hall.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Emma Winter (on behalf of the applicant).

**RESOLVED -**

- (1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:
- (a) complete the list of conditions including those contained within the report and the update, as set out below:
    - 1. Three years to commence development.
    - 2. Development to be carried out in accordance with the approved plans and specifications.
    - 3. Sample facing materials to be provided (dwellings and retaining walls).
    - 4. Local Area of Equipped Play details to be submitted, approved, and implemented.
    - 5. Updated boundary treatment plan, to include consideration of boundary to numbers 287 – 313 Cliffe Lane, to be submitted, approved, and implemented.
    - 6. Detailed landscaping with management and maintenance arrangements, to be submitted, approved, and implemented.
    - 7. Arboricultural Method Statement to be submitted and approved. Works to be done in accordance with Arboricultural Impact Assessment, with no unidentified tree-works to take place unless further Arboricultural Impact /Method Statement approved.
    - 8. Technical details of retaining walls to be submitted, approved, and implemented.
    - 9. Mitigation to be done in accordance with Acoustic Report.
    - 10. Construction Environmental Management Plan (CEMP), including dust mitigation measures, to be submitted, approved, and implemented.
    - 11. Access to be constructed in accordance with approved plan.
    - 12. Road condition survey to be submitted and approved.
    - 13. Cycle store details to be submitted, approved, and implemented.
    - 14. Waste storage facilities and shared collection points to be provided.
    - 15. Temp waste collection strategy to be submitted, approved, and implemented.
    - 16. Parking to be provided prior to occupation.
    - 17. Updated Travel plan to be submitted, approved, and implemented.
    - 18. Footpath connection details to SPE/56/10 to be to be submitted, approved, and implemented.
    - 19. Drainage strategy details to be submitted and approved.

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20. Flood routing details to be submitted and approved.
21. Temporary drainage arrangements during construction.
22. Construction Environmental Management Plan: Ecology (CEMP:Ecology) to be submitted, approved, and implemented.
23. Ecological Design Strategy to secure net gain and other ecological enhancements to be to be submitted, approved, and implemented.
24. Ecological lighting strategy to be to be submitted, approved, and implemented.
25. No site clearance within the bird breeding season (unless appropriate survey undertaken).
26. Electric Vehicle Charging Point (EVCP) charging strategy to be submitted, approved, and implemented.
27. Contaminated land investigation and remediation to be submitted, approved, and implemented (as required).
28. Coal legacy investigation and remediation to be submitted, approved, and implemented (as required)
29. Plots 63 – 66 to be located as per plan ref. 1694- 101 rev. P.

(b) secure a Section 106 agreement to cover the following matters:

- a) Affordable Housing: 16 units, comprising 7 Affordable Rent, 5 First Homes and 4 Intermediate (16.5% of total units).
- b) Open space off-site contribution: £112,855
- c) Education: £150,705
- d) Sustainable Travel: £44,500 towards Metro Cards (or similar), £26,000 towards bus stop improvements, and £10,000 towards travel plan monitoring.
- e) Ecological net gain: £13,110 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
- f) Management and maintenance: on-site Public Open Space, on-site drainage infrastructure, and ecological features (30 year minimum).

(2) That, in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; and if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Firth, Homewood, Lawson, and Pinnock (5 votes)

Against: Councillor Thompson (1 vote)