

Delegated Report on Application 23/00670/FUL

Land Between A629 And B6112, Stainland Road, Elland, Calderdale

Description of Site and Proposal

This application is seeking full planning permission for the scheme known as the Elland Rail Station Access Package. The proposal includes the construction of 2 pedestrian and cycleway bridges in Elland and West Vale across the River Calder and Calder and Hebble Navigation, a cycleway and pedestrian improvements, and landscaping and public realm improvements.

This application is a re-submission of approved application 21/00017/LAA for a similar scheme as this planning permission is likely to expire prior to commencement of the approved development. There are few substantive differences between the approved and proposed schemes other than an amended, reduced red line boundary and some level changes to the proposed pedestrian and cycleway bridge at Elland.

The site is formed from disparate and expansive red line boundary areas across Elland and West Vale. Combined, the red line area of the proposal measures c. 8.5 hectares. For the purposes of this report, the separate site areas shall be hereafter referred to as:

- Site A – Rochdale Rd, West Vale

Upgrading of existing zebra crossing to a parallel crossing and conversion of existing footways into shared footway/cycleway.

- Site B – Heath RUFC to Elland Bridge

Installation of a new toucan crossing on Stainland Rd to facilitate a new cycle path from Clay house Ln to the west to a new cycle path to the north of Black Brook to the east. The eastern cycle path would be routed to the south of the existing industrial units and along Black Brook, continuing to the south of Heath RUFC. The eastern part of the cycle route would follow the route of an existing footpath. The cycle path would lead to a new single-span truss bridge crossing the River Calder. The bridge would link the proposed cycle path with the existing tow path running alongside the Calder and Hebble Navigation. A potential temporary construction access route would be taken along the canal tow path to reach other areas of the wider site.

- Site C – Elland Riverside to Train Station Site

Improvements to footways and creation of shared footway/cycleway and installation of new grass verges around A629 (Halifax Rd) slip road and Exley Ln, including improvements to existing pedestrian underpass to Park Rd. Installation of new signalised toucan crossing on Park Rd opposite the Barge and Barrel public house with pedestrian and cycle access to a new multi-span steel tied arch bow string truss bridge crossing the River Calder and Calder and Hebble Navigation from Park Rd to Elland Riverside Park with intermediate ramp access from Gas Works Ln. Earth embankment works and landscaping strategy within Elland Riverside Park to facilitate bridge access and installation of new footway/cycleway through the park to Century Rd.

Reconfiguration of existing turning head at junction of Century Rd and Wistons Ln with new pedestrian crossing. Continuation of improved access footway/cycleway to the Elland Train Station site along Wistons Ln (to be known as Station Approach) and installation of public art feature. Installation of new parallel crossing at Jubilee Way and installation of 'Give Way' cycle junctions between Jubilee Way and Wistons Ln (south). Retention of Wistons Ln (south) turning head and modification of Wistons Ln (south) to a 'quiet street' to junction with Eastgate. Footway improvements and 2-way cycle lane installation along Eastgate from junction Wistons Ln to Briggate. Upgrading of existing pelican crossing on Elland-Riorges Link to a toucan crossing with upgrades to the approach ramped footways/cycleways.

- Site D – Elland-Riorges Link Dumbbell Roundabout South

Widening of existing crossing and provision of tactiles and improvements to the existing visibility splays from de-vegetation of the seed verge and banking.

- Site E – Elland-Riorges Link Dumbbell Roundabout North

Widening of existing crossing and provision of tactiles and improvements to the existing visibility splays from de-vegetation of the seed verge and banking.

- Site F – Lowfields Way to Elland Lane

Conversion of existing footway into shared footway/cycleway, replacement of existing crossing point on the Elland-Riorges Link Dumbbell Roundabout, and improved links to existing and proposed crossings opposite Oliver Meadows and the Elland Train Station site on Lowfields Way.

Given the expansive and varied locations of the sites across Elland and West Vale, the sites lie in, adjacent to, and in the settings of a number of Local Plan and other statutory designations. These include the Green Belt, Elland and West Vale Conservation Areas and other designated heritage assets, allocated housing and employment sites, Primary Employment Areas and out of centre retail locations, designated open spaces, landscape character areas, Flood Zones 2 and 3 and a Critical Drainage Area, potentially contaminated land and mineral safeguarding areas, Coal Authority low and high risk areas, Bat Alert Areas, Calder and Hebble Local Wildlife Site, Calderdale Wildlife Habitat Network, and areas covered by Tree Preservation Orders. National Cycle Route 66 (Manchester to Spurn Head) also runs along the Calder and Hebble Navigation tow path, across Elland Bridge and along Gas Works Lane within the proposal's red line boundary.

Supporting Information

In addition to the submitted plans, the following documents have been submitted in support of this application:

- Application Form
- Cover Letter
- Arboricultural Impact Assessment and Method Statement
- Tree Condition and Value Survey

- Biodiversity Net Gain Metric and Assessment
- Flood Risk Assessment
- Drainage Strategy
- Phase 1 Geo-Environmental Report
- Archaeological Written Scheme of Investigation and Watching Brief
- Heritage Statement
- Transport Assessment

Environmental Impact Assessment

The proposal has been screened against The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as it is considered to fall within Schedule 2 Part 10(f) of the Regulations as an infrastructure project for the construction of roads (unless included in Schedule 1) where the area of works exceeds 1 hectare.

The Council published its EIA Screening Opinion on 16/07/2020 under Screening Request 20/06008/EIA. This concluded that an Environmental Statement was not required for this proposal. As the proposal constitutes a slight material reduction and is not considered to be materially different to the very similar scheme as previously approved, it was not considered necessary to re-screen the proposal under the EIA Regulations.

Relevant Planning History

Application: 24/00963/FUL

Description: Conversion of redundant public house with accommodation to 2 houses, 5 apartments and an office

Decision: Pending Consideration

Application: 21/00824/FUL

Description: New railway station with car park, new pedestrian accesses, landscaping and associated works

Decision: Approved 28/02/2023

Application: 21/00017/LAA

Description: Elland access package - construction of x2 pedestrian and cycleway bridges in Elland and West Vale. Cycleway and pedestrian highway improvements. Landscaping and public realm improvements

Decision: Approved 02/09/2021

Key Policy Context

Local Plan Designations / Allocations	Green Belt Future Elland Station Elland Bridge Riverside Park Amenity Land Open Space Sports / Recreation Ground Open Space Adjacent to Allocated Employment Site Adjacent to Allocated Housing Site Primary Employment Area Out of Centre Retail Location
--	--

	<p>Elland Conservation Area</p> <p>West Vale Conservation Area</p> <p>Calder Valley Floor Landscape Character Area</p> <p>Calder (Todmorden Hebden Bridge Mytholmroyd) Landscape Character Area</p>
Local Plan Policies	<p>SD1 Presumption in Favour of Sustainable Development</p> <p>SD4 Allocated Employment Sites</p> <p>SD6 Allocated Housing Sites</p> <p>CC1 Climate Change</p> <p>CC2 Flood Risk Management (Managing Flood Risk in New Development)</p> <p>CC3 Water Resource Management</p> <p>HW1 Health Impacts of Development</p> <p>HW2 Health Impact Assessment</p> <p>HW3 Wellbeing</p> <p>HW4 Safeguarding Community Facilities and Services</p> <p>IM1 Strategic Transport Interventions</p> <p>IM2 Transport Investment Decisions</p> <p>IM3 Safeguarding Transport Investment</p> <p>IM4 Sustainable Travel</p> <p>IM5 Ensuring Development Supports Sustainable Travel</p> <p>IM7 Masterplanning</p> <p>EE1 Safeguarding Existing Employment Areas, Land and Premises</p> <p>RT4 Local Retailing and Servicing Provision Outside of Centres</p> <p>BT1 High Quality Inclusive Design</p> <p>BT2 Privacy, Daylighting and Amenity Space</p> <p>BT3 Landscaping</p> <p>BT4 The Design and Layout of Highways and Accesses</p> <p>BT5 Designing Out Crime</p> <p>BT6 Access for All</p> <p>HE1 Historic Environment</p> <p>GB1 Development in the Green Belt</p> <p>GN1 Securing Green Infrastructure Provision</p> <p>GN2 A Joined-Up Green Infrastructure Network</p> <p>GN3 Natural Environment</p> <p>GN4 Landscape</p> <p>GN5 Trees</p> <p>GN6 Protection and Provision of Open Space, Sport and Recreation Facilities</p> <p>EN1 Pollution Control</p> <p>EN2 Air Quality</p> <p>EN3 Environmental Protection</p> <p>MS2 Mineral Safeguarding Areas</p> <p>WA1 Planning for Sustainable Waste Management</p>
National Planning Policy Framework Chapters	<p>2 Achieving sustainable development</p> <p>4 Decision-making</p> <p>6 Building a strong, competitive economy</p>

	<p>8 Promoting healthy and safe communities</p> <p>9 Promoting sustainable transport</p> <p>11 Making efficient use of land</p> <p>12 Achieving well-designed and beautiful places</p> <p>13 Protecting Green Belt land</p> <p>14 Meeting the challenge of climate change, flooding and coastal change</p> <p>15 Conserving and enhancing the natural environment</p> <p>16 Conserving and enhancing the historic environment</p> <p>17 Facilitating the sustainable use of minerals</p>
Supplementary Planning Documents (SPD) and Other Relevant Guidance	<p>Placemaking and Design Guide SPD (July 2024)</p> <p>Biodiversity Net Gain SPD (July 2024)</p> <p>Flood Risk and Drainage SPD (July 2024)</p> <p>Central Elland SPD (April 2008)</p> <p>Calderdale District Landscape Character Assessment and Review of Special Landscape Area Designation (October 2016)</p>
Other Relevant Planning Constraints	<p>In Setting of Clayhouse Park Historic Parks and Garden</p> <p>In Setting of Grade II and Grade II* Listed Buildings</p> <p>Critical Drainage Area</p> <p>Flood Zones 1, 2 & 3</p> <p>Surface Water Run-Off Areas</p> <p>Surface Coal Mineral Safeguarding Area</p> <p>Sandstone Mineral Safeguarding Area</p> <p>Potentially Contaminated Land</p> <p>Open and Closed Landfill Site 250m Buffer Zone</p> <p>Disused Railway Line</p> <p>Coal Authority Development Referral Area</p> <p>Coal Authority Coalfield & Standing Advice Area</p> <p>Bat Alert Area</p> <p>Calder and Hebble Local Wildlife Site</p> <p>Calderdale Wildlife Habitat Network</p> <p>Tree Preservation Orders</p> <p>Public Rights of Way</p> <p>National Cycle Route</p>

Publicity / Representations

The statutory public consultation period of 21 days took place between 11/09/2023 to 02/10/2023 by site notice, press advert, and neighbour letters. During the public consultation no public representations were received.

Consultee Comments

Calderdale Council:

Biodiversity – No objections subject to conditions.

Business and Economy – No objections.

Conservation – No comments received.

Environmental Health – No objections subject to conditions.

Highways Section – No objections subject to conditions.

Lead Local Flood Authority – No objections subject to conditions.

Spatial Planning – No comments received.

Tree Officer – No objections.

External Consultees:

Canal & River Trust – No objections subject to conditions.

Garden History Society – No comments received.

Environment Agency – No objections subject to conditions.

Historic England – No comments received.

Natural England – No comments received.

Network Rail – No comments received.

West Yorkshire Archaeology Service – No objections subject to conditions.

Yorkshire Water – No objections subject to conditions.

Local Members

No representations received.

Parish / Town Council Comments

The site lies in an unparished area.

Main Issues

Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of Development
- Climate Change
- Design and Visual Amenity
- Landscape Character
- Heritage and Archaeology

- Amenity
- Pollution Control
- Highways and Accessibility
- Flood Risk and Drainage
- Ecology and Biodiversity
- Ground Conditions
- Other Material Considerations

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was most latterly revised on 19 December 2023 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 225 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Development Plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 22 March 2023. Its policies are aligned with those in the NPPF and carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (e.g., land designated as Green Belt or designated heritage assets) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is reflected in Policy SD1 of the adopted Calderdale Local Plan.

Strategic Transport Infrastructure Development

Policy IM1(I)(j) identifies that the Elland Access Package is a strategic transport infrastructure intervention. Part IV states that favourable consideration will be given to applications that support the delivery of these schemes.

Policy IM2(II) states that applications for transport investment will be considered favourably where a balanced approach to meeting the list of important yet potentially competing objectives set out in Part I is struck. These include (but are not limited to) unlocking economic development potential, improving opportunities for walking and cycling, and managing travel demand.

Policy IM3(VII) identifies that in association with other transport improvements planned for the Elland area a number of walking and cycling specific improvements are in development. Planning permission will not be granted for development that would prejudice the construction of the Elland Access Package scheme.

The Calderdale Cycling Strategy (2017) identifies Elland and West Vale as hubs within a Calderdale-wide integrated cycle network to meet the demands of all cycle users and promote the use of active and sustainable travel opportunities. The Calderdale Local Cycling and Walking Investment Plan (2019) (as noted in Policy IM3(IX)) and Calderdale Cycle Strategy Action Plan (2018/19) provide additional background information about the need for better integrated active travel routes throughout the borough and identifies areas for cycling and walking infrastructure improvements within the Elland area. Additionally, Active Calderdale's Physical Activity Strategy aims to deliver the most active Borough in the North of England by 2024.

The submitted Planning Statement further identifies that the proposal is a Transforming Cities and West Yorkshire-plus Transport Fund development which aims to enable key transport related projects to help create c. 20,000 new jobs over the next 10 years. The proposal is not being considered as part of, but is directly related to and would facilitate the construction and use of the Elland Train Station (21/00824/FUL – granted planning permission in February 2023) and would unlock active travel potential for a large housing site allocation (LP1567) for c. 450 new dwellings to the north of the site.

The Planning Statement further identifies that the proposal would help to achieve several regional objectives set out in the West Yorkshire Transport Strategy, Leeds City Region Strategic Economic Plan, and the Calderdale Transport Strategy (amongst other national, regional and local infrastructure and active travel delivery plans) by enhancing sustainable access to jobs and economic opportunities in Elland and the surrounding areas.

Officers note the regional strategic importance of the proposed development and further note that an almost identical scheme was granted planning permission in September 2021, which is a material consideration under this application. Given that the proposal is considered to be a strategic transport infrastructure development which is specifically identified within the Calderdale Local Plan and other regional transport strategies (including the routing of National Cycle Route 66), and would promote the use of active and sustainable travel options to unlock the economic potential of Elland and the wider area, it is considered to be in accordance with Policies IM1, IM2 and IM3 of the adopted Calderdale Local Plan.

Green Belt

The NPPF indicates that development should be restricted if it is in the Green Belt if there is a clear reason for refusal and, if so, the presumption in favour of development does not apply.

According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

In relation to inappropriate development, Chapter 13 of the NPPF states that:

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the CLP pertains to development in the Green Belt and states that:

- II. Other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The are:
 - b. Engineering operations
 - c. Local transport infrastructure which can demonstrate a requirement for a Green Belt location

Policy GB1 is consistent with the NPPF (Chapter 13) Paragraphs 155(b) and (c).

Sites A and B lie in the Green Belt to the north of West Vale and Elland. The majority of the proposed interventions on these sites would upgrade existing footpaths and footways. The two new elements to be included within the Green Belt would be the zebra crossing on Rochdale Rd and the new single-span truss bridge across the River Calder to the east of Heath RUFC. All of the proposed works are considered to be engineering operations, which by definition are considered not to be inappropriate development in the Green Belt, so long as the openness of the Green Belt is preserved, and its purposes do not conflict with the proposal.

Turning first to the purposes of the Green Belt. Officers consider that the conurbations of West Vale and Elland are already effectively merged with lots of road connections and interstitial developments between the two. Furthermore, footpaths and other access routes (including the Calder and Hebble Navigation tow path) already link the two areas within the Green Belt and are actively used by walkers and cyclists. Lastly, the proposal would unlock the [re-]development of existing sites within Elland for the development of a new train station and access infrastructure, thus encouraging urban regeneration outside of the Green Belt. It is for these reasons that Officers consider that the proposal does not conflict with the purposes of the Green Belt set out in NPPF (Chapter 13) Paragraph 143.

With regard to the question of openness, Officers consider that the proposed footway/cycleway improvements along the routes of existing paths would have no impact on the openness of the Green Belt. Similarly, the installation of a zebra crossing on Rochdale Rd would not be an unexpected item of highways safety infrastructure at a busy crossing point along an active travel route in a built-up area. This would be read in context with the wider scheme and area and would not have an impact on the openness of the Green Belt.

The installation of the new bridge across the River Calder would be a new addition within the Green Belt. However, it would be set against existing industrial and sports club developments to the west which lead into an existing urban settlement. The bridge would provide an industrial-looking feature within an area that has historically been used for this purpose; noting particularly the roles that the River Calder and Calder and Hebble Navigation played in the industrial development in this part of the borough and further afield. As such, the proposed bridge would not form an alien or unexpected feature in the landscape. Additionally, the bridge's single-span open truss design would be relatively low profile and would not block views from or into the surrounding Green Belt areas. Additionally, the provision of local infrastructure would encourage and support outdoor sport and recreation. For these reasons, Officers consider that the proposed bridge at West Vale would not have an impact on the visual or spatial openness of the Green Belt.

Overall, the proposal is considered to be in accordance with Policy GB1 of the adopted Calderdale Local Plan and NPPF (Chapter 13), particularly Paragraph 155(b).

Allocated Sites and Masterplanning

Policy SD4(III) states that proposals for non-employment or non-employment complementary uses will be resisted and only be supported in exceptional circumstances where the proposal is justified and complementary (in terms of size and function) to employment and employment complementary uses.

Policy SD6 states that no other principal use other than residential development will be permitted on allocated housing sites.

Policy IM7(III) identifies that for non-allocated sites that may come forward during the Plan period, a requirement for the site to be masterplanned will be assessed on a case-by-case basis. Where a Masterplan is required, the policy sets out 18 tests which should be met, relating to a number of different considerations including (but not limited to) design and placemaking, impacts on infrastructure, consideration of the site's constraints and designations, and phasing and implementation of the proposal.

The site lies adjacent to an allocated employment site (LP1443 – Land between Wistons Lane and Jubilee Way, Elland) for c. 1,756 sqm of employment floorspace. The red line boundary of the proposal abuts this site allocation and its vehicular access from Wistons Ln (south). However, this site access (currently in use as a turning head on the dead end Wistons Ln (south)) would be preserved with the existing road alignment retained under this application and improved by the provision of a new tactile pedestrian crossing. Given this, Officers do not consider that the proposal would prejudice the delivery of the allocated employment site. Therefore, the proposal is considered to be in accordance with Policy SD4 of the adopted Calderdale Local Plan as it would provide improved sustainable and active travel opportunities to and from the allocated site to the wider local and regional areas.

The proposal also lies adjacent to an allocated housing site (LP1567 – Land adjacent to Exley Lane, North of Elland) for c. 450 dwellings. The proposed improvements to the Exley Ln and Park Rd area to the north of Elland would provide much improved sustainable and active travel accessibility to Elland and the wider region for existing and future residents in this area. The locational sustainability of the allocated housing site is considered to be largely predicated on the delivery of the Elland Access Package proposals to open up new, direct routes into central Elland. Given this, Officers consider that the material public benefit of the proposal in effectively unlocking the siting of up to 450 new dwellings carries substantial weight in the planning balance. In this regard, the proposal is considered to be in accordance with Policy SD6 of the adopted Calderdale Local Plan.

With regards to the requirement for masterplanning, Officers consider that the proposal has adequately demonstrated its need and active potential in helping to deliver a large part of the Borough's expected housing and industrial delivery over the Local Plan period. The proposal has also demonstrated a clearly well-considered active travel route upgrade that would provide immediate access to both Elland and West Vale, and by extension the wider Calderdale and regional area. As such, Officers are satisfied that the proposal meets the requirements of Policy IM7 of the adopted Calderdale Local Plan.

Employment and Retail Land

Policy EE1 states that to maintain a viable employment base within Calderdale it is important that existing good quality employment sites are retained for future use and are therefore protected from development for other uses.

Policy RT4(II) states that areas of local retailing and service provision providing an important service to the local area will, wherever possible, be protected in line with Policy HW4. Policy HW4 requires proposals which would lead to the loss of community facilities demonstrate that an appropriate alternative can be provided, the facility is no longer required, or there is an operational requirement to close the facility.

NPPF (Chapter 6) Paragraph 85 requires that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The site partially lies in a Primary Employment Area and Out of Centre Retail Location in and around the east of Elland and the Gas Works Lane area between the River Calder and the Calder and Hebble Navigation. For the most part, the works forming part of this application would be limited to footway/cycleway improvements works within the highway running in and adjacent to these designated employment and retail areas. As such, there would be no direct prejudicial impact on the delivery of new, or continuing operation of any existing uses. Instead, the proposal would facilitate improved sustainable and active transport access to and from these areas to the wider local and regional areas.

The Gas Works Ln area would see the most significant change as the proposed multi-span bridge from Park Rd to Elland Riverside Park would touch down and offer intermediate access to the bridge on the land adjacent to Wharf House, which is designated as a Primary Employment Area. The Council's Business and Economy Officer raised initial concerns to the loss of designated employment land from the Gas Works Ln area, but also noted that the reduction in available employment land would be minimal and the public and economic benefits of the proposal overall would likely outweigh that loss.

Officers broadly concur with the consultee comments in this regard. Access for employment uses onto Gas Works Ln from Elland Bridge is not ideal and its Flood Zone 3 location would severely limit the scope of new employment uses able to be sited in the area. The likely economic benefits of the Elland Access Package proposal to Elland in facilitating the provision of a new train station is considered to far outweigh the minimal loss of employment land on Gas Works Ln.

The red line boundary at the north of the site along Park Rd takes in some of the land owned by the Barge and Barrel public house, notably most the car park where the north easternmost part would be used to provide a landscaping buffer between the car park and the bridge ramp. The car park itself would also be used as a temporary construction compound during the construction of the adjacent bridge.

Officers note that the public house fell out of operational use a number of years ago and that the building has stood derelict since. Officers are aware of recent planning applications to bring the Barge and Barrel back into use as residential dwellings and offices, but further note that these applications were withdrawn prior to determination. A new application has been submitted (24/00963/FUL) for a similar use. However, at the time of this report this application is pending consideration. Notwithstanding this, Officers consider that the tangible public and economic benefits of the proposal in facilitating economic growth and unlocking a housing site allocation for up to 450 dwellings would likely outweigh the much more limited benefits of bringing the Barge and Barrel site back into use with a slightly reduced available car parking area. It is also noted that under Policy IM3, any development on the Barge and Barrel site would likely not be supported if it prejudiced the delivery of this strategic transport infrastructure scheme.

Overall, with regards to the potential impacts on employment and retail land, the proposal is considered to provide a betterment in economic growth terms and is therefore in accordance with Policies EE1, RT4 and HW4 of the adopted Calderdale Local Plan and NPPF (Chapter 6) Paragraph 85.

Public Open Space & Green Infrastructure

Policy GN1(II) requires that new development must be served by green infrastructure to meet the needs of the prospective residents in a manner which will contribute to the creation of a high quality environment and provide access to high quality open space for leisure and recreational purposes.

Policy GN6(II) states that proposals which conserve, improve, maintain or create open space will be permitted providing that they are consistent with other relevant Development Plan policies. This is broadly reflected in NPPF (Chapter 8) Paragraph 103.

NPPF (Chapter 8) Paragraph 102 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

The proposal would impact on three areas of designated Public Open Space. Sites A and B would be located within Clayhouse Park and Heath RUFC's rugby ground respectively and Site C would be partially located within Elland Riverside Park.

The works within Clayhouse Park and Heath RUFC are considered to be relatively minimal and would predominantly consist of improvement works to existing paths in these areas. This is considered to provide a betterment over the existing provision by providing a more accessible green infrastructure network in the West Vale area. Additionally, the construction of a bridge base within the Heath RUFC designated POS is not considered to be harmful to the availability or use of the POS. The bridge base would be constructed in an area which is currently inaccessible due to dense vegetation and a lack of ability to cross the River Calder. As a result of the proposal, the wider area into the Heath RUFC POS and onwards would be opened up and linked to an existing, expansive green infrastructure network. Officers consider that this would be a clear betterment to the existing POS.

Site C would see more intrusive works within Elland Riverside Park. These would include significant structural and landscape reshaping works to the south west of the park to facilitate the construction and use of the proposed bridge to Gas Works Ln and Park Rd. Whilst the proposed works would be significant in scale within the park, the proposal also includes provision for the re-location and re-landscaping of the Sir John Eland Memorial and the provision of a new, large area of children's play equipment. Both of these areas would be integrated into the design of the bridge access with direct access paths and a slide into the play area.

Officers consider that the proposed works within Elland Riverside Park would improve the green infrastructure, landscaping and play provision available within the designated POS and would provide sustainable wider access to these facilities which is not currently readily available. The proposal would also likely see enhanced usage of the park and its facilities over current levels as a main access point to the Elland Train Station site to the east. Therefore, any loss of usable POS resulting from the proposed bridge infrastructure works is considered to be clearly outweighed by the accessibility, new and improved facilities, and likely increase in footfall that the proposal would bring.

Overall, the proposal is considered to be in accordance with Policies GN1 and GN6 of the adopted Calderdale Local Plan and NPPF (Chapter 8) Paragraphs 102 and 103.

Climate Change

The Council declared a Climate Change Emergency in 2019. In 2022, the Council published the Calderdale Climate Action Plan 2022-25. This sets out the Council's stated aims and targets to achieve net zero by 2038, with significant progress by 2030.

Policy CC1 requires that proposals should aim to be net zero emitters of greenhouse gases such as carbon dioxide and must demonstrate appropriate mitigation and adaption measures to address the predicted impacts of climate change.

NPPF (Chapter 14) Paragraph 159 requires that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and which can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

The proposal would encourage sustainable and active forms of travel throughout the Elland, West Vale, and wider local and regional areas. Through the provision of improved green infrastructure routes for walking and cycling to and from the Elland Train Station site, the proposal is expected to result in [at least a partial] modal shift away from private vehicle usage to access local and regional rail services. By extension, the proposal is also expected to have a positive impact on the reduction of congestion in the area, minimise pollution along its route, and would support further improvements to a low carbon economy in the Elland and West Vale areas, particularly in facilitating sustainable and active travel access to large housing and employment site allocations as detailed earlier in this report. Given this, the proposal is considered to be in accordance with Policy CC1 of the adopted Calderdale Local Plan and NPPF (Chapter 14) Paragraph 159.

Design and Visual Amenity

Policy BT1 requires that new developments will ensure high quality, inclusive design and demonstrate a holistic approach to design quality. Proposals should demonstrate their consideration of the aesthetics, function and sustainability over the lifetime of the development.

NPPF (Chapter 12) Paragraph 135 requires that proposals should function well and add to the overall quality of the area, be visually attractive, are sympathetic to local character, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain appropriate development, and create places that are safe, inclusive and accessible.

NPPF (Chapter 12) Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Site Layout

From east to west, the site spans c. 1.9km (Euclidean) and covers a range of expansive, disparate and varied locations within adopted highways, along the Calder and Hebble

Navigation tow path, within established parkland, and meandering through Elland's main industrial and commercial area towards the Elland Train Station site to the east. The proposed works would predominantly follow existing footways, highways and other established walking infrastructure routes within the West Vale and Elland areas. This is with the exception of the two proposed footway/cycleway bridges at Heath RUFC and Elland Riverside Park. The bridges would provide new linkages across the River Calder and Calder and Hebble Navigation to improve the usability and flow of the existing green infrastructure network (including National Cycle Route 66) and accessibility to local goods, facilities and services as well as wider regional links via the connection to the Elland Train Station site.

Officers consider that the site layout and routing of the proposal provides a sustainable and well-interconnected green infrastructure provision which would improve access and accessibility to the local West Vale and Elland areas, as well as wider areas within Calderdale and beyond. Overall, the proposed site layout is considered to be acceptable.

Form, Scale and Massing, and External Materials

The majority of the proposed works in scalar terms would include the upgrading of existing footways to combined footway/cycleways. These would majoritively follow existing routes and consist of widening works to facilitate the shared use. These would mostly be surfaced with macadam (with the exception of the canal tow path for which details of the finish shall be secured via condition) and appropriately painted with signage to signify their use and provide visual separation between the footway and cycleway uses. Where required, existing retaining walls would be retained and new ones provided to ensure the safe use of the green infrastructure network. These would be used particularly along Black Brook and Heath RUFC at Site B. Officers consider that the proposed existing footway improvements, both within the existing highway network and in off-street areas such as Site B would be appropriately designed for their intended use and would not be of visual detriment within the site or the wider landscape.

There are various highways safety interventions proposed throughout the site with regards to the provision of new and improved pedestrian and cyclist crossing points. Each of these would be designed to facilitate their intended function in highways safety terms and would be located within the existing adopted highway network. In this regard, the proposed crossing points and improvements would not be considered to be out of character with similar prevailing highways safety measures throughout Calderdale nor in their specific areas within the wider site. Officers consider the design of the various highway crossing points to be acceptable and further consider that the proposal has a significant highways safety public benefit engrained within it.

The two major new pieces of infrastructure being proposed are the new bridges at West Vale and Elland. The submitted Design and Access Statement identifies that the bridge at West Vale would be:

"[...] a new steel Warren truss bridge crossing the River Calder at the Heath Rugby Club. The structure is 44m long by 3.5m wide by 5.3m high (above ground level) and will be finished in gloss black. The abutments will be supported on CFA concrete piles and clad in regularly coursed natural stone sympathetic in colour, coursing and texture to that in the vicinity. The bridge will be accessed from the

west by a 34m long 1 in 12 access ramp which has a change in direction approximately half-way along and natural stone burr wall abutments at each end. The bridge will be accessed from the east via a 1 in 20 unsegregated cycleway and footway to tie in with the existing canal tow path on the western bank.”

With regards to the proposed Elland bridge, the DAS notes that:

“One span extends over the Hebble and Calder Navigation, from Park Road to Gas Works Lane. The largest span and tallest arch extends over the River Calder from Gas Works Lane to Riverside Park. A land span and ramps are provided on Gas Works Lane to connect the bridge to the existing towpath and cycle route and another smaller land span is provided in Riverside Park. The structure is 130m long x 5m wide x 13.5m high (height from ground level at Gas Works Lane to top of highest arch).

The main bridge superstructure will be painted steel and a selection of preferred colours will be submitted for consultation and approval. The materials for the parapets at Elland will be stainless steel. The bridge abutments will be supported on mass concrete or piled foundations and constructed in reinforced concrete clad in regularly coursed natural stone sympathetic in colour, coursing and texture to that in the vicinity.

The bridge will be accessed from Riverside Park via 1 in 21 approach path on a landscaped bank. A switchback ramp will provide access from between the two spans to the south bank canal towpath and Gas Works Lane. The northern end of the bridge will be accessed via a short 1 in 15 gradient approach ramp from Park Lane. An adjacent ramp will give access down to the north bank canal towpath.”

Officers consider that the design of the bridges would be in-keeping with the area's industrial heritage and the use of exposed steelwork would continue this historic industrial narrative into the modern day. The West Vale Bridge would be well-integrated into the surrounding landscaping by keeping a low visual and height profile across the River Calder. The black colour finish and the simple form of the steel-framed span would result in a low impact visual presence that would tie together the industrial vernacular of the Calder and Hebble Navigation and other industrial units to the west of the site. The exact finish of the bridge and its abutments (to be clad in natural coursed stone) shall be secured via conditions.

Officers recognise that the Elland bridge would be a large and quite imposing new structure due to its height and span. In noting this, its form would be shaped from simple and clean arches with a flat span above Gas Works Ln. This would be supported by abutments built in reclaimed coursed natural stone sitting in a new area of public amenity space. The design of the proposal is considered to reduce its visual dominance by providing clear and largely unobstructed views through and under the bridge spans. Although a large structure, the bridge would not be considered out of proportion with the surrounding built form or disproportionate with the scale of the underlying waterways. Conversely, the bridge would become a clear focal and reference point of visual interest within Elland for generations to come which, again, would add to the narrative of the Elland area as it is redeveloped and connected to the wider region as a result of the proposal.

The full details of all external materials to be used and the colour finishes of the Elland bridge footway/cycleway tread and steel frame shall be secured via conditions. The options presented at this stage include a dark grey or black steel with a light brown Chinese bauxite, light grey Guyanan bauxite or dark grey Indian bauxite finish. Each of the proposed finishes would likely be acceptable, with the Guyanan bauxite being the most preferred option.

Overall, the design and visual amenity of the proposal is considered to be acceptable. The proposal is therefore considered to be in accordance with Policy BT1 of the adopted Calderdale Local Plan, the Calderdale Placemaking and Design Guide SPD, and NPPF (Chapter 12) Paragraph 135.

Landscaping and Public Art

Policy BT3 requires that proposals should provide good quality hard and soft landscaping schemes which will form an integral part of the overall design, appropriately integrates the proposal into its surroundings, and enhances local biodiversity.

The proposal would incorporate a wide-ranging landscaping strategy across the site's red line boundary areas. The predominant areas for proposed landscaping works would be in and around the Elland Riverside Park and Gas Works Ln areas. These areas would see the inclusion of improved areas of hard and soft structural and ornamental landscaping around the Elland bridge access and abutments including the provision of new seating areas, replacement tree planting, areas of bulb and flowering meadow planting, and installation of new litter and dog bins. Within Elland Riverside Park, new areas of children's play and active trail equipment would also be installed.

Additional hard and soft landscaping improvements would be made throughout the Elland area along the route of the proposal. This would include the installation of a new steel-framed public art structure running adjacent to the railway bridge abutment in the area to be known as Station Approach at Wistons Ln. This would measure c. 47.5m (l) x c. 4.7m (h) and would use Moiré effect mesh backlit with light projections from Gobo lights within the bridge underpass structure. Officers consider that the public art installation would add a visually interesting feature in an otherwise currently quite drab approach to the Elland Train Station site and would contribute positively to the better placemaking agenda as set out in local and national planning policy and guidance. Full details of the proposed public art piece shall be secured via conditions.

Officers consider that the proposed site-wide hard and soft landscaping strategy would be acceptable, particularly when read in conjunction with the proposed biodiversity net gains and other ecological enhancements, as assessed further later in this report. A 10-year Landscape Management Plan will be required to ensure that the proposed landscaping takes and is regularly maintained to perform its ecological and visual amenity functions. These details shall be secured via conditions. As such, the proposal is considered to be in accordance with Policy BT3 of the adopted Calderdale Local Plan.

Landscape Character

The site lies in the Calder Valley Floor and Calder (Todmorden Hebden Bridge Mytholmroyd) Landscape Character Areas Policy GN4(V) requires that new development should be designed in a way this it is sensitive to its landscape setting. As such, it should seek to enhance the character and qualities of the LCA, reflect local distinctiveness and diversity, provide landscape mitigation appropriate to its scale and design, and make adequate provision for the retention of features and habitats of significant importance.

The Calderdale District Landscape Character Assessment and Review of Special Landscape Area Designation (October 2016) identifies the key characteristics for the affected LCAs.

The Calder Valley Floor LCA extends from the northern and eastern edges of Elland, around the neighbouring conurbation of Rastrick and turns south towards Kirklees. It is noted as having a strong industrial heritage in which canals and rivers play a significant role and forming strongly recognisable features. Additionally, the LCA is noted as being a valley surrounded by dense urban development, particularly around Elland where large industrial estates occupy the valley floor and major infrastructure developments such as the railway and highway network snake through the valley.

The Calder (Todmorden Hebden Bridge Mytholmroyd) LCA is extensive, expansive, and varied. It cuts a path along the routes of the River Calder and Rochdale Canal through the centre of the borough from its eastern boundary with Rochdale to Elland via the Calder Valley floor, before turning northwards to Queensbury via the eastern edge of Halifax. The LCA is a historically important transport corridor through the borough. Historic industrial developments also form frequent features along the canal network, the site of rapid growth during the Industrial Revolution. The south of the LCA is characterised by dense settlements around Elland with frequent industrial estates contrasting with the more traditional and historic vernacular. The LCA is also characterised by the permeation of local and regional access routes, including National Cycle Route 66.

The proposal would introduce the most dramatic change to the existing landscape character in and around West Vale and Elland for a number of years. As has been touched on in the previous section of this report, the proposed changes to the prevailing landscape character of the area – particularly through the construction of the two new bridges over the River Calder and Calder and Hebble Navigation – are considered to contribute positively and continue to modernise the areas industrial progression and narrative. The proposal would also provide enhanced and unique new access into the historic parts of the wider site, introduce new areas of public amenity space, and provide new vantage points from which to appreciate the area's prevailing historic and landscape character.

In this regard, Officers consider that the proposal would be sensitive to the history and character of West Vale and Elland. Furthermore, the proposal is also considered to enhance the special qualities of the Calder Valley Floor and Calder (Todmorden Hebden Bridge Mytholmroyd) Landscape Character Areas in these areas by integrating the scheme within its landscape setting and contributing strongly to the distinctive local character. As such, the proposal is considered to be in accordance with Policy GN4 of the adopted Calderdale Local Plan.

Heritage and Archaeology

Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings and Conservation Areas or any features of special architectural or historic interest. The requirements of Sections 66 and 72 are set out legislation. As such, they are legal duties which must be adhered to rather than planning policy requirements that decision-makers can ascribe weight to in the planning balance.

Policy HE1(II) requires that applications for development which are likely to affect the significance of a heritage asset (whether designated or not), including its setting, will be required to include an appropriate understanding of the significance of the assets affected. This requirement is reflected in NPPF (Chapter 16) Paragraph 200.

Policy HE1(III) requires that proposals will be expected to conserve heritage assets in a manner appropriate to their significance. Harm to a designated heritage asset (or a Class II archaeological site) will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm to or the total loss of the significance of the most important designated heritage assets will only be permitted in wholly exceptional circumstances where there is a clearly defined significant public benefit which outweighs the harm.

NPPF (Chapter 16) Paragraph 204 states that when determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the potential impacts of a development on the significance of a designated heritage, the NPPF is clear at Paragraph 205 that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Impacts on Designated Heritage Assets

The site lies within and in the settings of the following designated and non-designated heritage assets:

- Elland Conservation Area
- West Vale Conservation Area
- Clayhouse Park Historic Parks and Garden
- Grade I Listed Church of St Mary
- Grade II* Listed Clay House
- Grade II* Listed Clay House Barn
- Grade II Listed Prospect Mill
- Grade II Listed North Dean Mill
- Grade II Listed Calder and Hebble Navigation Woodside Mills Lock and Bridge Approach

- Grade II Listed Milestone on Opposite Side to Long Lea Mill
- Grade II Listed Elland Bridge at SE 106 213
- Grade II Listed Wharf Office at SE1068 2132 Calder and Hebble Navigation
- Grade II Listed Calder and Hebble Navigation Canal Warehouse and Integral House at Elland Wharf Approximately 100 Metres of Elland Bridge
- Grade II Listed Britannia Buildings
- Grade II Listed Spring Gardens Public House
- Calder and Hebble Navigation Non-Designated Heritage Asset

The applicant has submitted a Heritage Statement in support of this application. Sections 9 and 10 assess the significance of the heritage assets affected and the likely impacts of the proposal on their significance and settings.

At Elland, the HS identifies that the construction of the new bridge from Elland Riverside Park to Park Rd would be a significant new structure in the Conservation Area and immediately adjacent to the Grade II Listed Wharf House. To account for this, the design of the bridge has been streamlined in its structural appearance to allow views through the main structure of the bridge towards the designated heritage assets. The materials chosen for the bridge and its abutments have also been selected to reflect the appearance of the wider Conservation Area. Additionally, the bridge would replace an area of land currently used for the storage of demolition materials adjacent to the Listed Building which is not considered to have a positive impact on its setting. Overall, the proposed bridge at Elland is considered likely to have a slight positive benefit on the character and appearance of the Elland Conservation Area and the settings and significance of the adjacent and nearby Listed Buildings.

Within the same area as the Elland bridge, the proposal would widen the existing canal tow path to the north of the Calder and Hebble Navigation adjacent to the Barge and Barrel public house site. Details of the resurfacing materials have not been agreed at this stage but would be sympathetic to the existing tow path and the Conservation Area. The exact details would need to be secured via conditions as recommended by the Canal & River Trust. The HS concludes that the canal tow path works would have a slight adverse impact on the character and appearance of the Conservation Area but that it would carry public benefits in amenity, safety, and accessibility terms.

The HS notes that with respect to the potential impacts on the designated heritage assets in Elland, the proposal would have various elements which could be considered as having slight positive and slight negative effects on the character and appearance of the Conservation Area and the significance and settings of the Listed Buildings. This would be due to the proposed bridge and other interventions in the area being notable visual elements in the landscape and be seen in context with a number of heritage assets. However, when taken in combination, the HS's overall assessment of the magnitude of impact is negligible and the significance of effect is considered to be neutral.

The proposed wider works throughout the Elland area have the potential to impact on various other designated and non-designated heritage assets. However, these works predominantly consist of changes to existing footways and road crossing layouts which are unlikely to have a harmful impact on their significance or settings, or the character and appearance of the Elland Conservation Area as a whole. Temporary impacts may also occur during the construction phase of development from various compounds and stores

throughout Elland. However, any potential impacts would be time limited and made good following the completion of construction. As such, these elements of the proposal are considered to have a broadly neutral impact on heritage significance in the wider Elland area.

Turning to West Vale, the HS identifies that there are no known heritage assets within the footprint of the proposed development area of the West Vale Bridge, although it would sit within the setting of the West Vale Conservation Area, Grade II Listed Woodside Locks, and bridge approach and the Calder and Hebble Navigation itself as a NDHA. The bridge would be designed to match the colour scheme of the existing canal infrastructure and its open truss design would allow largely uninterrupted views of the heritage assets. Officers also consider that the introduction of a modern, sympathetically engineered bridge would offer a beneficial visual relationship that would complement the historic canal engineering infrastructure and the industrial heritage of the canal in this part of the site. Therefore, in a departure from the submitted HS which found only a neutral heritage impact, Officers consider that the proposed West Vale bridge would have a slight positive impact on the setting and significance of the nearby designated and non-designated heritage assets.

The other proposed works throughout West Vale, including within the West Vale Conservation Area and in the setting of the Grade II* Listed Clay House and Clay House Barn and Clayhouse Park Historic Parks and Garden, are expected to improve the ability for people to access the park and appreciate the Listed Buildings and their historic setting. The gate piers at the western entrance to the park and the entrance gates at the eastern entrance to the park would be immediately adjacent to the proposed improvement works and would be physically unaffected by them. The proposed improvements to the usability of the park and the surrounding public realm are considered to have a positive impact on the significance, settings, character and appearance of the designated heritage assets.

The Council's Conservation Officer and Historic England have been consulted on the proposal but neither have submitted a response. However, Officers note that consultee comments were received under the previous planning application (21/00017/LAA) for an almost identical scheme in which the proposal was supported by both consultees. With regard to this application, Officers consider that the proposal would not have an overall harmful impact on the significance, settings, character and appearance of affected Listed Buildings, Conservation Areas, and other designated and non-designated heritage assets due to its well-designed integration within the local historic environment and continuation of the historic industrial narrative of the West Vale and Elland areas.

Furthermore, where any harm has been identified to a specific heritage asset, in the language of the NPPF this would be considered to be at the low end of less than substantial. NPPF (Chapter 16) Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, the proposal is considered to carry substantial public benefits including social, economic, health and other benefits as have been identified throughout this report. As such, Officers consider that these benefits would clearly outweigh any less than substantial harm identified.

Impacts on Archaeology

NPPF (Chapter 16) Paragraph 211 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The applicant has submitted an Archaeological Written Scheme of Investigation and Watching Brief in support of this application. This was originally written to discharge Condition 6 of the previously approved application (21/00017/LAA) and has been updated to reflect current practice. The WSI sets out the steps for an archaeological watching brief during the construction phase of development for the southern bridge abutment in Elland Riverside Park which hosts the archaeological remains of the Elland Corn Mill and potential for remains of medieval date or older. Two further potential areas for watching briefs have also been identified on Gas Works Ln and an area within/to the north west of the Barge and Barrel public house car park on Park Rd. The WSI makes provisions for identifying, excavating, processing and reporting any archaeological remains found, including the potential for heritage interpretation boards to be located within the site.

The West Yorkshire Archaeology Advisory Service (WYAAS) have been consulted on the proposal, although no additional comments have been received following the submission of the updated WSI. As such, Officers are reasonably able to assume that there are no consultee objections to the scope or methodology of the WSI, or the potential impacts on archaeological remains arising from the proposal more generally. Officers consider the WSI to be a suitable plan in the event that archaeological remains are found and make adequate provisions for the recording and reporting of any finds. Compliance with the WSI shall be secured via condition.

As the potential archaeological remains are non-designated in heritage terms, NPPF (Chapter 16) Paragraph 209 is relevant; stating that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The submitted Heritage Statement assesses the likely significance of Elland Corn Mill:

“The mill has been demolished and all that is anticipated to remain are the foundations and potentially evidence for the water management system associated with the mill. The significance of the heritage asset is vested in the evidential value of its archaeological remains. There appears to be little documentary evidence to heighten its historic significance and with no visible remains it has no aesthetic or communal value. If archaeological remains of late post-medieval and modern date are identified these are considered to be of low heritage importance and will have significance in a local context.”

Officers broadly concur with the assessment of the significance of the NDHA. As such, its potential loss (following recording and reporting under the WSI) must be balanced against the substantial public benefits of the proposal. In doing so, Officers consider that, on balance, the potential loss of the NDHA would be justified in this instance given the overriding public interest and benefits in the construction of the Elland Access Package scheme.

Overall, the proposal is considered to be in accordance with Policy HE1 of the adopted Calderdale Local Plan and Chapter 16 of the NPPF. The proposal is also considered to have had regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

Policy BT2 states that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts will arise.

NPPF (Chapter 12) Paragraph 135(f) requires that proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Impacts on Neighbouring Uses

There would be a number of varied neighbouring uses along the whole length of the site's red line boundaries. These include various commercial and industrial sites (including supermarkets, factories, and distribution hubs), community facilities and services (including shops and sports clubs), residential dwellings and canal boat moorings.

Officers do not consider that the proposal would have a significant detrimental impact on neighbouring uses in terms of overlooking, overbearing, overshadowing or creating a detrimental loss of outlook across the site as a whole. With regards to the bridge at Site C, Officers note that the proposal would likely significantly increase footfall past the businesses and dwellings (including canal boat moorings) on and around Park Rd and Gas Works Ln. However, given the proposed elevations of the bridge deck and the separation distances achieved from it to the neighbouring sensitive receptors, any detrimental impacts on the residential and other amenities of neighbouring users are considered likely to be mostly fleeting and indirect. It is also noted that existing footpaths (including the Calder Valley Greenway) already run adjacent to the site on Gas Works Ln such that the proposal would not introduce a new relationship in this regard. Instead, it would provide additional space from the neighbouring uses to the foot bridge, providing a material betterment to the current situation.

Given this, the proposal is considered to be in accordance with Policy BT2 of the adopted Calderdale Local Plan and NPPF (Chapter 12) Paragraph 135(f).

Health Impacts of Development

Policy HW1 requires that developments should contribute to reducing the causes of ill health, improve health, and reduce health inequalities in part by providing a healthy living environment.

Policy HW2 requires a Health Impact Assessment for non-residential developments of 3,000 sqm or more. Part IV states that applications will not be approved where the

balance of considerations demonstrates that the benefits of the development are outweighed by any adverse impacts on health and wellbeing.

Policy HW3 states that the Council and its partners will seek to work together to create and safeguard opportunities for safe, healthy, fulfilling and active lifestyles. This includes consideration of improving physical and mental health.

NPPF (Chapter 8) Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure.

Although no HIA has been submitted in support of the proposal, Officers consider that the scope of the proposed sustainable and active travel interventions would, in every likelihood, provide opportunities for people to undertake more healthy and active lifestyles and promote physical and mental wellbeing through providing improved access to the outdoors and wider local and regional walking and cycling routes. The health and wellbeing benefits, including the encouragement of modal shift as an alternative means of local access, of the proposal are considered to be a clear public benefit of the Elland Access Package scheme. As such, the proposal is considered to be in accordance with Policies HW1, HW2 and HW3 of the adopted Calderdale Local Plan and NPPF (Chapter 8) Paragraph 96.

Crime and Fear of Crime

Policy BT5 requires that designing out crime and designing in community safety should be central to the planning and delivery of new development. In order to create safe environments and reduce opportunities for crime, development proposals should demonstrate they have due regard to the 6 criteria set out in the policy wording. These primarily relate to the overall design and functionality of the proposal and the incorporation of crime and safety measures, where appropriate.

NPPF (Chapters 8 and 12) Paragraphs 96(b) and 135(f) require that proposals should be safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Canal & River Trust has raised concerns regarding the void spaces under the Elland bridge and abutments which could result in a blind-spot and increased anti-social behaviour in the vicinity of Gas Works Ln and Elland Riverside Park. The applicant has responded that these void spaces are required as part of the proposal's overall flood risk strategy as additional water storage capacity and cannot be designed out of the scheme. A mesh treatment intervention has been forwarded by the CRT; however, Officers consider that this would likely detract from the visual amenity of the site and could potentially become a magnet for litter which cannot readily be removed from behind the mesh screen. It is also noted that the void areas would be served by existing and proposed footpaths and roadways which would offer clear natural surveillance of these areas which would reduce the risk of ASB. Furthermore, no substantive evidence has been provided by the consultee that the proposal would lead to the potential increase of ASB in the area as a direct result of its design.

The proposal includes a number of interventions to reduce the fear of crime which are set out in the submitted Planning Statement. These include the installation of CCTV cameras in specific areas along the route (such as Elland Riverside Park), the provision of an overlooked and attractive public realm, installation of external and street lighting throughout areas of the overall route, and providing clear and legible pedestrian and cycle routes. Officers consider that with these mitigation measures having been designed and integrated into the scheme from the outset, the proposal would provide a safe development for all future users. As such, the proposal is considered to be in accordance with Policies BT5 of the adopted Calderdale Local Plan and PPF (Chapters 8 and 12) Paragraphs 96(b) and 135(f).

Pollution Control

Policy EN1 requires that the Council should seek to reduce the amount of new development that may reasonably be expected to cause pollution or be exposed to it. This includes consideration of light, noise, odour and vibration, environmental and water quality impacts (including ecological impacts), impacts on human health, and impacts on air quality.

Policy WA1 requires that non-waste development proposals must provide evidence as to the arrangements for on-site waste management, including the provision of appropriate storage and segregation facilities, both during the construction phase and once occupied.

NPPF (Chapter 15) Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Noise, Odour and Dust

Outside of the temporary construction period, it is considered unlikely that the proposal would have a detrimental impact in terms of noise, odour and/or dust generation. Noise levels along the route of the shared footways/cycleways may marginally increase due to increased usage but given the locations of these routes primarily away from residential dwellings and other sensitive receptors, any marginal increase is unlikely to be noticed in the most part. During the construction period, a number of conditions shall be secured for the details of how pollutants and contaminants resulting from the construction process would be adequately contained and dealt with.

External Lighting

The proposal is likely to include areas of external lighting for the safety of future users. Some indicative details have been provided at this stage. Given this, Officers consider that the details of all external lighting to be used within the site can be reasonably secured via conditions. Additionally, as will be detailed further later in this report, all external lighting to be used will need to be designed in a sensitive way to prevent detrimental impacts on wildlife and protected species, including bats.

Refuse and Waste

Use of the proposal once operational is considered unlikely to be waste generating. However, during the construction phase of development, refuse and waste would be generated across the whole of the site. As part of the construction management details to be secured via conditions, full details of the collection, re-use and disposal of all construction-related waste generated from the site will be required.

Overall, the proposal is considered to be in accordance with Policies EN1 and WA1 of the adopted Calderdale Local Plan and NPPF (Chapter 15) Paragraph 191.

Air Quality

Policy EN2 requires that to ensure that the effect of development on air quality is minimised so far as practicable and residual impacts are mitigated, all proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by proportionate evidence to show that the impact of the development has been assessed. Proposals that are not accompanied by that evidence, or which do not incorporate adequate mitigation measures, will not be permitted.

Although no Air Quality Impact Assessment has been submitted in support of the proposal, Officers note that the site does not lie within an Air Quality Management Area and is for the provision of new and improved active and sustainable travel routes and opportunities around the local West Vale and Elland areas and the wider region, to be accessed via the Elland Train Station site. With this in mind, Officers consider that the proposal would, in all likelihood, not increase the risks of poor air quality in the area but would instead have a positive impact on the reduction of emissions from private vehicles accessing the train station site once operational. Additionally, with the provision of green infrastructure improvements for pedestrians and cyclists spanning the local area, it is also considered likely that the proposal would have a positive impact on air quality from encouraging modal shift. In this regard, the proposal is considered to be in accordance with Policy EN2 of the adopted Calderdale Local Plan.

Highways and Accessibility

Location Sustainability

Policy IM4 states that decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. The policy further notes that the requirement to include mechanisms to promote sustainable travel in proposals will depend on scale, type and form and will be assessed on a case-by-case basis.

Policy IM5 sets out the Council's position regarding provision of and access to public transport accessibility, mobility and accessibility, and car and cycle parking requirements. The policy states that proposals should be located within 400m walking distance of a regular bus service, or 750m of a railway station. Proposals are also required to provide adequate access means to all modes of transport and into/within the built form for those with disabilities and mobility impairments.

The proposal would improve sustainable and active travel access throughout the West Vale and Elland areas, and the Elland Train Station site more specifically. There are also a number of bus stops within walking distance from the site which would provide regular and sustainable access to the main points of interest, including the two new bridges at Sites B and C, and the employment and housing site allocations throughout Elland. The proposal is considered to be in accordance with Policies IM4 and IM5 of the adopted Calderdale Local Plan.

Accessibility

Policy BT6 states that proposals within buildings or sites that provide goods, facilities or services to the public should incorporate design features that facilitate easy access for all, including those with disabilities.

The proposal would include the installation of new and improved signalised highway crossing points through West Vale and Elland to facilitate safe pedestrian and cycle access throughout the area and beyond. Road junction crossings would also be improved with new tactile paving options to provide a recognised contrast of materials for people with limited eyesight and other additional needs. The proposed footway/cycleway improvement works would also provide majoritively level access throughout the area (albeit with slightly undulating ground levels following the topography of the area) and be well signed with new wayfinding markers along the route. Additionally, the two proposed bridges would be accessible via ramps at either end. The bridge at Site C would also include an intermediate ramped access from Gas Works Ln in the centre of the span.

Overall, Officers consider that the proposal would be accessible for all throughout across the length of its route from West Vale to the Elland Train Station site. Within the route would also be specific interventions to ensure accessibility is maintained within the red line boundary and also to facilitate access further afield. As a result, the proposal is considered to be in accordance with Policy BT6 of the adopted Calderdale Local Plan.

Public Rights of Way

NPPF (Chapter 8) Paragraph 104 requires planning decisions to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The proposal would impact on a number of existing paths and footways across the West Vale and Elland areas, including the Calder and Hebble Navigation tow path. However, none of the paths which would be directly affected by the proposal are included on the Council's Definitive Public Rights of Way Map. As such, the proposed works, modifications and temporary closures/diversions during the construction phase of development to the selected footway network, are not considered to fall under the legislative regulations of the Countryside and Rights of Way Act 2000 (as amended) or the Wildlife and Countryside Act 1981 (as amended).

Notwithstanding this, the proposed improvement works to the identified footways along the route of the proposal are considered to constitute a betterment over the existing provision by facilitating their use by pedestrians and cyclists in promoting active and sustainable

travel through the West Vale, Elland, and wider areas. As such, the proposal is considered to be in accordance with NPPF (Chapter 8) Paragraph 104.

Highways Safety

Policy BT4 requires that a proposal's design for and layout of highways and site accesses should ensure the free flow of traffic, allow emergency and refuse vehicle access, provide convenient and safe pedestrian routes and promote site permeability, take account of the hierarchy of road users, incorporate traffic calming measures where appropriate, provide an attractive environment, and help reduce opportunities for crime.

NPPF (Chapter 9) Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Statement has been submitted in support of this application. This details that the proposal would provide a number of new and improved highways infrastructure interventions with regards to the provision of safe road crossings for pedestrians and cyclists. These include the upgrading of existing and provision of new toucan, pelican, zebra and pedestrian crossings along the route of the Elland Access Package from West Vale to the Elland Train Station site. The proposal would also upgrade a large expanse of existing footways to shared footways and cycleways to encourage sustainable and active travel.

The Highways Section has reviewed the submitted information and raises no objections in highways safety terms. They recommend that a Stage 1 Road Safety Audit is undertaken following any grant of planning permission to ensure the safe workings of the proposed highways works. This shall be included as an informative note on the Decision Notice. Two conditions have also been recommended for details of contractors' compounds and a scheme for mud tracking prevention onto the adopted highway.

A departure from Local Transport Note 1/20 has been identified with regards to sections of shared cycle and pedestrian facilities. However, this is not considered to be of detriment to the proposal given that it predominantly relates to the use of the Calder and Hebble Navigation tow path as a shared route, which it already is with the routing of National Cycle Route 66 along it.

Officers consider that the proposed highways works would constitute a betterment over the current provision, particularly with regards to the installation and improvements to pedestrian and cycle crossings throughout the West Vale and Elland areas. Additionally, the provision of shared routes off the adopted highway network for pedestrians and cyclists is likely to encourage modal shift in the area and reduce the use of private vehicles leading to the Elland Train Station site. The recommended pre-commencement conditions are considered to be reasonable and shall be secured. Overall, the proposal is considered to be in accordance with Policy BT4 of the adopted Calderdale Local Plan and Chapter 9 of the NPPF.

Flood Risk and Drainage

Flood Risk and Exception Test

Policy CC2 requires that new development should follow a sequential risk based approach and be directed away from Flood Zones 2 and 3 in accordance with the principles of the NPPF. The site lies in Flood Zones 1, 2 and 3 and is over 1 ha in size. As such, a Flood Risk Assessment is required. Additionally, the proposal will need to satisfy the flood risk sequential and exception tests as set out in Chapter 14 of the NPPF and the NPPG for Flood risk and coastal change.

Furthermore, the site also lies in a Critical Drainage Area. Part (III) of Policy CC2 requires developments located within a Critical Drainage Area to submit a Site-Specific Flood Risk Assessment to demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This requirement is also reflected in NPPF (Chapter 14) Paragraph 173 Footnote 59.

The Council adopted its Calderdale Flood Risk and Drainage SPD in July 2024. As such, the SPD is now a material consideration in planning decision-making. It sets out the Council's approach to dealing with matters of flood risk and sustainable drainage for new developments.

The applicant has submitted a revised Flood Risk Assessment and Technical Note in support of this application. This details that the site has seen historic instances of significant fluvial flooding, including in 2015 during the named Storm Desmond. The FRA highlights that:

“During the boxing day flood event of 2015, the canal arch span of the historic Elland Riverside bridge collapsed, cutting off access from the Park Road side of Elland. The new foot and cycle bridge will help to maintain connectivity should Elland Riverside bridge be damaged by future flood events or closed for major maintenance.”

As well as fluvial flood risk from rivers and other watercourses, the FRA further assesses that the proposal would likely be at low risk from surface water and pluvial flooding, subject to an appropriate sustainable drainage (SuDS) based drainage strategy, and flooding from sewer surcharging. Risk from reservoir flooding would likely be significant across the whole site; however, the risk of a reservoir breach is considered to be low owing to the statutory maintenance provisions under the Reservoirs Act 1975 and the Flood and Water Management Act 2010. Lastly, the FRA considered the potential flood risk from groundwater. In the areas of the proposed bridges, this is considered to constitute a medium to high risk according to the Council's Strategic Flood Risk Assessment. However, the bridges would be raised above ground level and the access routes to and from them would not likely be significantly affected, resulting in an overall low risk from groundwater flooding across the site.

The FRA also highlights the site's Flood Zones 2 and 3 locations, notably around the proposed bridges due to their proximity to the River Calder and Calder and Hebble Navigation. With specific reference to the proposed West Vale and Elland bridges, the FRA identifies that:

“[West Vale] The left abutment will be located in the parcel of land between the River Calder and the Canal which is modelled to be in Flood Zone 1 due to the higher ground here. Conversely the right abutment is located within the modelled Flood Zone 3b for the River Calder and as such will need to minimise any loss of floodplain storage and use water-compatible construction techniques such as hollow abutment supports that allow flood flow to be conveyed through.”

and

“At the Elland Bridge location there are no designated Flood Zone 3b areas, the right bank is designated as Flood Zone 2 within Riverside Park and beyond the left bank of the Calder & Hebble Navigation Canal is designated Flood Zone 1 where the left abutment will be located, indicating that the flood zones for the canal are contained by the banks of the canal. The central pier and access stairs will be located on the unused land on Gas Works Lane which is shown to be a mix of Flood Zone 2 and 3a.”

The applicant has further identified the proposal as an essential transport infrastructure development which has to cross the area at risk, as defined by Annex 3: Flood risk vulnerability classification of the NPPF. Officers concur with the classification of the proposal as an essential infrastructure development in flood risk terms.

The proposal has been modelled and tested against the most up-to-date hydraulic modelling available from the Environment Agency. The assessment within the FRA concludes that the proposed bridges and associated infrastructure would not have an effect on the overall flood levels of the River Calder. In concluding this, the FRA also makes recommendations for a series of flood risk mitigation measures across the application site. These include:

Elland bridge:

- designing the bridges to withstand a 1 in 100-year plus climate change flood risk scenario
- providing access routes to and from the bridges outside of the areas of highest fluvial flood risk
- locating the footings of the bridge abutments on Gas Works Ln within the footprint area previously occupied by another building (now demolished outside of the scope of this application)
- construction of bridge soffit levels above the predicted flood water levels

West Vale bridge:

- designing the bridges to withstand a 1 in 1000-year flood risk scenario
- construction of bridge soffit levels above the predicted flooding levels
- right abutment designed to allow continued flow through the structure supports to minimise any loss of floodplain storage and to reduce any obstructions within the floodplain (Flood Zone 3b)

Other flood risk mitigation measures around the rest of the wider site include:

- provide drainage basins/wetlands to direct runoff and provide additional flood volume storage (Heath RUFC)
- use of localised Sustainable Drainage Systems (SuDS) (site wide)
- canal tow path changes designed in line with the existing canal water level controls (Elland)

As new development is being proposed within Flood Zones 2 and 3, NPPF (Chapter 14) Paragraph 167 requires that proposals should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

Table 2: Flood risk vulnerability and flood zone ‘incompatibility’ of the National Planning Practice Guidance (NPPG) for Flood risk and coastal change (Paragraph 079 Reference ID: 7-079-20220825, dated 25/08/2022) identifies that essential infrastructure developments within Flood Zones 3a and 3b (functional floodplain) must pass the flood risk Exception Test.

NPPF (Chapter 14) Paragraph 170 defines the flood risk Exception Test, requiring that proposals demonstrate that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

NPPF (Chapter 14) Paragraph 171 requires that both elements of the Exception Test are satisfied for development to be permitted. In doing so, Paragraph 079 of the NPPG further requires essential infrastructure developments that have passed the Exception Test to be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage; and,
- not impede water flows and not increase flood risk elsewhere.

Paragraph 6.20 of the Calderdale Flood Risk and Drainage SPD states that any development undertaking the Exception Test should demonstrate the sustainability issues that the proposal is seeking to address. Examples of wider sustainability benefit to the community that would be considered could include the regeneration of an area, or the provision of new community facilities such as green infrastructure, woodland community centres, cycleways, footways or other infrastructure which allow the community to function in a sustainable way.

With regards to the abovementioned mitigation measures, the applicant has provided the following assessment pertaining to the flood risk Exception Test and NPPG requirements:

<p>How can wider sustainability benefits to the community that outweigh flood risk be demonstrated?</p>	<p>The overall development package will bring huge benefits to the continued growth of the town of Elland and allow for the development of the Elland Rail Station, bringing in more growth to the town centre as a whole. The bridges are a vital element and enable the development of the wider access package and allow new routes and connections for pedestrians to use, promoting sustainable transport use for Elland.</p> <p>Currently parts of the site are unused and historically were used for the derelict Riverside House building.</p> <p>The design of the access package and proposed bridges has minimised impact to flood risk and is considered by hydraulic modelling of the River Calder i.e. little to no impact by the proposals.</p>
<p>What needs to be considered to demonstrate that the development will be safe for its lifetime?</p>	<p>Climate change has been assessed as part of the Elland Access Package and incorporated into additional hydraulic modelling analysis. Bridge and route design have incorporated sufficient mitigation measures to minimise and eliminate the risk of flooding.</p> <p>By constructing the abutments and supports outside of the floodplain and by using flood resilient design, the development has been shown to be safe for all modelled flood events.</p> <p>The proposed mitigation measures will provide a high level of protection for the lifetime of the development, which is expected to be for the next 100 years.</p>

The Environment Agency, Canal & River Trust, and Lead Local Flood Authority have been consulted on this application. The EA raises no concerns with respect to flood risk and recommends a condition for compliance with the proposed flood risk mitigation measures therein to ensure the proposal's appropriateness in flood risk terms and adherence to the flood risk Exception Test requirements. The LLFA and CRT have also raised no objections in flood risk terms.

Officers consider that the proposal has adequately demonstrated that it is an essential infrastructure development that would provide myriad wider sustainability benefits (as detailed throughout this report) to the West Vale and Elland areas, and further afield. Additionally, the proposal is considered to have adequately demonstrated that it would be safe in flood risk terms for the lifetime of the development and that it would meet the additional tests set out in Paragraph 079 of the NPPG for Exception Test developments. As such, Officers consider that the proposal has passed the flood risk Exception Test and is acceptable in flood risk terms. Therefore, the proposal is considered to be in accordance with Policy CC2 of the adopted Calderdale Local Plan, Calderdale Flood Risk and Drainage SPD, NPPG for Flood risk and coastal change, and Chapter 14 of the NPPF.

Surface Water Drainage

Policy CC3 requires that proposals protect the quality and quantity of water resources, encourage their efficient use and ensure that they are provided where necessary. This includes the provision of suitable surface and foul water drainage systems (including treatment capacity) and ensuring that proposals have an adequate means of water supply.

NPPF (Chapter 14) Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The applicant has submitted a Drainage Strategy in support of this application. This identifies that the proposal would create additional areas of hardstanding throughout the site, but that these would largely be intrinsically linked with the existing highway and green infrastructure networks and associated drainage systems. Additionally, the new areas of hardstanding would be partially offset by the development of new green spaces on the same site to reduce surface water runoff in the area.

The Drainage Strategy notes that the scheme will provide mitigation and beneficial drainage systems for the Elland Access Package as a whole. Over the whole site, several small SuDS features would be constructed to collect and attenuate surface water runoff in line with the 1 in 100-year plus 45% climate change scenario. The various elements of the site-specific drainage strategies would provide a restricted discharge rate appropriate to its location into the ground, adjacent watercourses and the mains sewerage network as a last resort, in line with the SuDS hierarchy. Some areas, such as Elland Riverside Park, would require the development of new outfalls into the adjacent watercourses. Additionally, a new area of compensatory SuDS and land drainage wetlands/retention basin would be provided at Heath RUFC (Site B). No foul water drainage is proposed.

Section 5.4 of the Drainage Strategy identifies that the ongoing SuDS management and maintenance would be within the control of the Council for the lifetime of the development.

The Lead Local Flood Authority, Canal & River Trust, and Yorkshire Water were consulted on the proposal. The CRT raise no specific objections to the proposed surface water drainage strategy but note that any discharges into the Calder and Hebble Navigation would require their written consent as landowner of the canal. Given this, an informative note on the Decision Notice is recommended to inform the applicant of this obligation.

Yorkshire Water initially raised an objection to the proposal based on its proximity and potential impacts on the existing mains drainage infrastructure. Following the submission of revised drainage details and clarifications around specific instances of concern, Yorkshire Water are now broadly content with the proposed surface water drainage strategy.

The LLFA raise no objections to the proposed drainage strategy in principle. However, a number of conditions have been recommended to demonstrate the appropriateness of the existing site drainage infrastructure and for further details of a Construction Phase Surface Water Management Plan and full details of all SuDS measures and other drainage works to be submitted.

Officers consider that the proposed drainage strategy would provide adequate surface water storage and attenuation opportunities throughout the site as a whole. The various means of subsequent surface water discharge and relevant locational discharge rates are also considered to be satisfactory. Officers also concur with the recommended conditions set out by the statutory consultees and shall secure them to ensure the development's appropriateness in drainage terms.

Officers note that following the reduction of the site's red line boundaries during the course of this application, a small number of proposed surface water drainage outfalls at Sites B and C now fall outside of the scope of this application. In discussion with the applicant, it has become clear that at Site B, the general arrangement of the proposed surface water drainage infrastructure could be satisfactorily amended at Discharge of Conditions stage to contain the proposed outfall within the site's red line boundary, as the principle of the drainage strategy at the site is considered to be acceptable in principle.

At Site C, the applicant has submitted a File Note (ref: BDX-JBAU-XX-00-FN-EN-0001-S3-P02 Drainage Works GDPO, dated 06/11/2024) outlining their intention to undertake the works to the proposed outfall outside of the red line boundary under the applicant's permitted development rights. Schedule 2, Part 12, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows local authorities to construct and maintain any small ancillary works or equipment on land belonging to maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers. Officers consider that the proposed improvements to the surface water drainage infrastructure at Elland Riverside Park would constitute small ancillary works within the scope of the GDPO to be undertaken by the applicant.

Given the above assessment of surface water drainage matters, the proposal is considered to be in accordance with Policy CC3 of the adopted Calderdale Local Plan, the Calderdale Flood Risk and Drainage SPD, and NPPF (Chapter 14) Paragraph 175.

Ecology and Biodiversity

Policy GN2(II) states that development will not be permitted in a Wildlife Habitat Network if it would damage the physical continuity of the Network or impair the functioning of the Network by preventing movement of species or harm the nature conservation value of the Network.

Policy GN3(II) states that proposals which are likely to have a significant adverse impact on a designated habitat site will not be permitted except in exceptional circumstances. In this instance, the site lies within the Calderdale Wildlife Habitat Network. Policy GN3(I)(g) requires that proposals should design-in wildlife to achieve measurable net gains in biodiversity in accordance with the most up to date national and local guidance.

NPPF (Chapter 15) Paragraph 180(d) requires that proposal should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.

Protected Species and Designated Habitat Sites

The site lies wholly within a Bat Alert Area, crosses the Calder and Hebble Local Wildlife Site in two locations, and lies within the Calderdale Wildlife Habitat Network.

An Ecological Impact Assessment (EclA) has been submitted in support of this application. This details that the proposal could have significant impacts on foraging bats over the River Calder and along Black Brook (Site B) if a careful external lighting design at

the proposed bridge is not duly considered. Additionally, otter have been recorded in the vicinity of the site which would require further monitoring and potential licencing arrangements. Kingfisher and other Schedule 1 bird species nesting in and around the site could be affected by vegetation clearing and the construction phase of development. Invasive Non-Native Species (INNS) were also found to be prevalent throughout the whole of the site. The EclA concludes that the proposal would result in the loss or fragmentation of habitats that support protected species, but that the loss and/or fragmentation would be relatively minimal.

Section 5 of the EclA sets out the proposed ecological mitigation, compensation and enhancement measures to be undertaken during the construction and operational phases of development. These include the implementation of a Construction Environmental Management Plan (CEMP) and Landscape and Environment Management Plan (LEMP), tree protection throughout construction, implementation of an appropriate external lighting strategy for protected species and ongoing protected species monitoring. With these measures in place, the EclA concludes that the proposal would be unlikely to result in any significant residual negative effects on habitats and notable or protected species.

The Council's Biodiversity Officer has reviewed the submitted information and raises no objections to the proposal in terms of its potential impacts on habitats and notable/protected species. Conditions have been recommended for a CEMP: Biodiversity, a sensitive external lighting design for biodiversity, a Habitat Management and Monitoring Plan, and to ensure that the correct environmental licences are first issued by Natural England under Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended).

Officers consider the submitted information to satisfactorily address the potential ecological issues arising from the proposal and adequately demonstrates that it would not damage the physical continuity of, or impair the functioning of the CWHN. Furthermore, Officers are content that adequate mitigation and enhancement measures can be put in place during the construction and operational phases of development to limit and address any ecological impacts the proposal would have. Additionally, Officers are in agreement with the technical consultee's proposed approach to managing the ecological interests of the site and shall secure the recommended conditions, including pre-commencement conditions. As such, the proposal is considered to be in accordance with Policies GN2 and GN3 of the adopted Calderdale Local Plan and Chapter 15 of the NPPF.

Biodiversity Net Gain

This application predates the imposition of statutory Biodiversity Net Gain (at least 10%) by the Environment Act 2021 on 12/02/2024. As such, Policy GN3 is the predominant planning policy consideration for BNG matters for this proposal, with NPPF (Chapter 15) Paragraph 180(d) being a material consideration. Due to the site's expansive and disparate nature, the proposal would affect a range of different habitats. These include all three measurable habitats within the BNG Metric (4.0): terrestrial, hedgerow and watercourse.

Following initial consultee comments received from the Council's Biodiversity Officer, an amended Biodiversity Net Gain Metric and Assessment was submitted. These identify that the proposal would achieve 23.01% BNG in Habitats Units, 10.98% BNG in Hedgerow

Units, and 7.22% BNG in Watercourse Units. The Trading Rules would also be satisfied. These BNG figures would be achieved through a combination of habitat creation and enhancement works, tree planting, and the removal of INNS such as Himalayan Balsam from the riverbanks.

Officers recognise that at least 10% BNG should usually be provided across all affected habitat types to conclude that adequate BNG has been provided. However, as this proposal is being considered under Policy GN3 and not the statutory requirements of the Environment Act 2021, strictly only *measurable net gains in biodiversity* are required to be demonstrated, although the Council has a target of at least 10%.

In noting this the Biodiversity Officer is satisfied that 'significant' on-site habitat creation and enhancements would be provided by the proposal and that the large provision of Habitat and Hedgerow Units can be reasonably used to justify the slight dip below the 10% target for Watercourse Units in this instance. Conditions have been recommended to secure these significant net gains for biodiversity for a minimum of 30 years through habitat management and monitoring conditions. Officers concur with the approach suggested by the technical consultee and shall secure the relevant pre-commencement conditions. Given this, the proposal is considered to be in accordance with Policy GN3 of the adopted Calderdale Local Plan and NPPF (Chapter 15) Paragraph 180 with regards to Biodiversity Net Gain.

Arboriculture

Policy GN5 states that proposals will be positively considered where there would be no unacceptable loss of or damage to existing trees, trees not to be retained would be replaced within a well-designed landscaping scheme, and existing trees worthy of retention are sympathetically incorporated into the overall design of the scheme and are protected from construction. Furthermore, Part (II) states that proposals that seek to remove trees that are subject to 'Protection', without justification, will not be permitted.

Whilst there are areas covered by Tree Preservation Orders in close proximity to the site, no TPO trees would be directly affected by the proposal. However, some tree works would be required within Conservation Areas.

The applicant has submitted a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement in support of this application. This details that the main areas of tree loss resulting from the proposal would be around the locations of the proposed bridges at West Vale and Elland Riverside Park. Some additional crown lifting and other tree works would also be required along the proposed construction access routes to facilitate the movement of plant and machinery without damaging the trees. Mitigation is proposed in the form of replacement tree planting and re-landscaping to be managed through the implementation of a LEMP, which would be secured via conditions, and the proposed tree protection measures in the submitted AMS.

The Council's Tree Officer has reviewed the submitted information and raises no objections to the proposal. The consultee notes that although there would be some tree loss resulting from the proposal, this would be limited and unlikely to significantly impact the affected areas. Officers also note that the proposed tree loss would be highly targeted and limited to reduce the scope of unnecessary interventions. The proposed landscaping

and tree replacement mitigation measures are also considered to be acceptable. Overall, the proposal is considered to be in accordance with Policy GN5 of the adopted Calderdale Local Plan.

Ground Conditions

Policy EN3 requires that proposals do not give rise to and are not exposed to environmental hazards, including contaminated land. Part II of Policy EN3 requires that applications should be supported by relevant investigations and propose appropriate mitigation measures, where required, to reduce unacceptable risks to an acceptable level.

NPPF (Chapter 15) Paragraph 189 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 190 is explicit that responsibility for securing a safe development where a site is affected by contamination of land stability issues rests with the developer and/or landowner.

Coal Mining Legacy

The proposal predominantly lies in the Coal Authority Standing Advice or Coalfield areas, although a small portion of Site F lies in the Coal Authority's high risk Development Referral Area at the junction of Elland Ridges Link and Oliver Meadows. However, the only development proposed in this area is the widening of the existing footway to a 3m shared cycleway and a new dropped crossing opposite Oliver Meadows. These would be largely superficial works within the area of the existing highway and footway which would not require substantive intrusive ground works.

The applicant has submitted a Phase 1 Geo-Environmental Desktop Study Report in support of this application which specifically considers potential coal mining legacy issues in the area of the proposal. This identifies that the site is not located near to any mining adits with existing, thin coal seams being located in excess of 40m below the surface. Furthermore, the site has no known history of subsidence or other land stability issues resulting from historic coal mining activities.

Based on the information submitted, Officers consider that the proposal would not be at risk from land stability issues arising from historic coal mining in the area, nor would it exacerbate any pre-existing concerns in the vicinity of the site. As such, the proposal is considered to be in accordance with Policy EN3 of the Calderdale Local Plan in this regard.

Contaminated Land

The site lies in areas of potentially contaminated land through their previous uses and/or neighbouring uses with potential pollutant pathways and linkages through to the site including landfills, historic gas works sites, and other industrial and waste uses. The site does not lie in any Source Protection or Drinking Water Safeguard Zones.

The submitted Phase 1 Report provides a summary of the likely risks from contaminated land across the site's red line boundaries as well as a qualitative risk assessment. This concludes that the proposal would be at a broadly low risk from contamination. However,

the report does recommend that further targeted Phase 2 intrusive ground investigations are undertaken with a scheme of remediation developed where required. A further recommendation for a CEMP is also made to provide adequate environmental protections during the construction phase of development.

Environmental Health have reviewed the submitted information and raise no objections to its methodology or findings. A condition has been recommended for Phase 2 intrusive ground investigations and the remediation and validation of any contaminated land found. Officers also consider the information provided to be satisfactory and shall secure the necessary pre-commencement conditions for further Phase 2 intrusive ground investigations and a site remediation strategy. With this in place, the proposal is considered to be in accordance with Policy EN3 of the adopted Calderdale Local Plan and NPPF (Chapter 15) Paragraph 189.

Mineral Safeguarding

Site B lies in a Sandstone Mineral Safeguarding Area. Sites C, D, E and F lie, at least partially, within a Surface Coal Mineral Safeguarding Area. Policy MS2 states that all non-minerals development proposals that fall within the MSA will be encouraged to explore the potential for prior extraction. Furthermore, all proposals will be required to carry out a site-specific mineral resource assessment, which shall identify whether a mineral is present, in what quantity, and whether development would sterilise the mineral lying under the site or adjacent to it.

No substantive information has been provided with regards to the underlying mineral safeguarding areas. However, Officers note that the majority of the proposed works across the site as a whole would require minimal intrusive ground works and would be carried out either within the existing highway network or along established footpaths. Given this, these largely superficial works are considered unlikely to further sterilise any underlying minerals in existing largely built-up areas or represent a viable opportunity for extraction given the scale and linear nature of the proposed highway and footway/cycleway works.

The proposed bridge at Elland Riverside Park does not lie in an MSA. However, the proposed bridge at Heath RUFC does. It is noted that the works to facilitate the construction of the bridge would require deep foundation works which could theoretically be precluded by sandstone extraction works. However, as Site B is located within the Green Belt and contained within a relatively small area on the banks of the River Calder and Calder and Hebble Navigation, any mineral extraction in this area would most likely be considered unacceptable given the sensitivities of the site.

Officers are content that the proposal would not unacceptably sterilise or otherwise detrimentally impact any underlying mineral resources. Officers further consider that extraction of minerals from the site would likely be significantly detrimental to the environment, such that the limited benefits of mineral extraction in this case would not outweigh the likely harm. Given this, the proposal is considered to be in accordance with Policy MS2 of the adopted Calderdale Local Plan.

Other Material Considerations

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. The applicant agreed in writing on 06/11/2024 to the imposition of the relevant pre-commencement conditions.

Planning Balance and Conclusion

The Elland Rail Station Access Package scheme is considered to constitute a policy compliant proposal. It is therefore considered to be in accordance with the Development Plan as a whole. Any initial consultee objections have been satisfactorily overcome to provide a scheme that would not result in detrimental impacts on the site, its surroundings, or the wider built and natural environments. Officers have also identified myriad substantial economic, social, health and other public benefits arising from the proposal which weigh substantially in favour of the granting of planning permission.

RECOMMENDATION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

CONDITIONS

1. The development hereby permitted shall be carried out in full accordance with the approved plans detailed on this decision notice, except as may be required by specific condition(s).

Reason: For the avoidance of doubt and to ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1, HE1 and GN4 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2. There shall be no commencement of the development hereby permitted until a Construction Phase Surface Water Management Plan has first been submitted to and approved in writing by the Local Planning Authority.

This should detail how the measures to be taken to ensure that the site does not cause pollution or an increased flood risk from surface water runoff from the site during the construction phase of development.

The development shall thereafter be carried out in full accordance with the approved Construction Phase Surface Water Management Plan during the excavation and construction phases of development.

Reason: In the interest of providing acceptable surface and foul water drainage strategies, in accordance with Policies EN1, CC2 and CC3 of the adopted Calderdale Local Plan and Chapter 14 of the National Planning Policy Framework.

3. Notwithstanding any details on the approved plans, there shall be no commencement of the development hereby permitted until a survey of existing site drainage, including any culverts/watercourses that may cross the site, showing connectivity and condition and hydraulic capacity, has first been submitted to and approved in writing by the Local Planning Authority.
The approved findings shall form the basis on the proposed drainage strategy pursuant to Condition 4 of this Decision Notice.
Reason: To ensure the existing on-site drainage infrastructure is capable of being integrated into an acceptable drainage strategy, in accordance with Policies CC2 and CC3 of the adopted Calderdale Local Plan and Chapter 14 of the National Planning Policy Framework.
4. Notwithstanding any details shown on the approved plans, there shall be no commencement of the development hereby approved until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have first been submitted to and approved in writing by the Local Planning Authority.
The development shall be carried out in full accordance with the approved details prior to the first use of the development and be retained and maintained as such thereafter.
Reason: In the interest of providing acceptable surface and foul water drainage strategies, in accordance with Policies CC2 and CC3 of the adopted Calderdale Local Plan and Chapter 14 of the National Planning Policy Framework.
5. There shall be no commencement of the development hereby permitted until a Habitat Management and Monitoring Plan (HMMP) has first been submitted to and approved in writing by the Local Planning Authority.
The Plan shall deliver the on-site 37.96 Habitat Units, 5.44 Hedgerow Units and 4.09 Watercourse Units as specified by the Biodiversity Metric dates 4th July 2024 and include details of the following:
 - a) Description and evaluation of features to be managed and enhanced
 - b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
 - c) Ecological trends and constraints on site that might influence management
 - d) Aims and Objectives of management to include Target Biodiversity Units and Target Condition Criteria
 - e) Appropriate management Actions for achieving Aims and Objectives
 - f) An annual work programme (to cover an initial 5-year period capable of being implemented over a 30-year period)
 - g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
 - h) Details of the funding mechanisms by which the long-term implementation of the Plan will be secured
 - i) A Monitoring Programme & Monitoring Report shall be submitted to the LPA on years 1, 2, 3, 4, 5, 10, 15, 20, 25, 30 after the submission of the first

- monitoring report, and report on progress towards habitat condition targets and required actions for the next monitoring period.
- j) How contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan.
- k) The Plan will be reviewed and updated (if required) upon submission of a monitoring report.

The approved Plan shall be implemented in accordance with the approved details for a minimum of 30 years from submission of the first Monitoring Programme & Monitoring Report.

Reason: To provide satisfactory Biodiversity Net Gains on the site, in accordance with Policy GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 15) Paragraph 180.

6. Prior to first use of the development and after completion of the majority of any landscaping, a Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed in writing by the Local Planning Authority.

The MPMR shall include the first Monitoring Report and include the following:

- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the Biodiversity Net Gain Report (ref: BDX-JBAU-XX-00-RP-BD-0002 Revision A3-C05, dated July 2024 and received by the Local Planning Authority on 25 July 2024).
- b) Where the target condition is not yet met provide an assessment of time to target condition for each habitat and any changes to management that are required.
- c) Confirmation that all bat roosting features are in place as approved.

Monitoring Reports shall be submitted to the Local Planning Authority as stated in the Monitoring Programme and where remedial measures or changes in management are required these will be referred to and amended in the Habitat Management and Monitoring Plan (HMMP) annual work programmes.

Reason: To provide satisfactory Biodiversity Net Gains on the site, in accordance with Policy GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 15) Paragraph 180.

7. There shall be no commencement of the development hereby permitted in the vicinity of the West Vale bridge and Heath Rugby Union Football Club until either of the following measures have first been submitted to and approved in writing by the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or
- b) a statement in writing from an appropriately qualified ecologist to the effect that it does not consider that the development will require a licence.

Reason: To ensure that the development does not have a detrimental impact on protected species, in accordance with Policy GN3 of the adopted Calderdale Local Plan, National Planning Policy Framework (Chapter 15) Paragraph 180 and The Conservation of Habitats and Species Regulations 2010 (as amended).

8. There shall be no commencement of the development hereby permitted until a lighting design strategy for biodiversity has first been submitted to and approved in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in and around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to the first use of the development. The external lighting shall be maintained and retained thereafter in strict accordance with the approved details.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure the development does not have a detrimental impact on protected species, provide adequate amenity for future users, and does not harm the openness of the Green Belt, in accordance with Policies GN3, EN1, and GB1 of the adopted Calderdale Local Plan and National Planning Policy Framework Chapters 13 and 15.

9. There shall be no commencement of the development hereby permitted until a Construction Environment Management Plan (CEMP: Biodiversity) has first been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features, including nesting birds.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

- i) Details of ecological surveys (such as badger, bat, otter and invasive non-native species) that need to be conducted prior to commencement of construction activities.

The CEMP: Biodiversity shall be adhered to and implemented in full accordance with the approved details throughout the construction phase of development.

Reason: To ensure the development protects and does not have a harmful impact on ecology and amenity during the construction phase of development, in accordance with Policies EN1 and GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework Chapter 15.

10. There shall be no commencement of the development hereby approved until an invasive non-native species protocol has first been submitted to and approved by the Local Planning Authority.

The protocol shall detail the containment, control and removal of Japanese Knotweed (*Fallopia japonica*), Wall Cotoneaster (*Cotoneaster horizontallis*) and Himalayan Balsam (*Impatiens glandulifera*) from the site and its disposal.

The measures shall be carried out strictly in accordance with the approved scheme throughout the construction phase of development.

Reason: In the interests of providing ecological enhancements on the site, in accordance with Policy GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 15) Paragraph 180.

11. There shall be no commencement of the development hereby permitted until a Landscape and Ecological Management Plan (LEMP) has first been submitted to, and approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the lifetime of the development).
- g) Details of the body or organisation responsible for the implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for the delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall thereafter be implemented in full accordance with approved details for the lifetime of the development.

Reason: To ensure adequate protection for the River Calder Local Wildlife Site and Calderdale Wildlife Habitat Network and avoid damaging and enhance the sites' nature conservation value, in accordance with Policies GN2 and GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 15) Paragraph 180.

12. There shall be no commencement of the development hereby permitted until a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority.

The CMS shall provide for:

- communication with neighbours before and during works
- contact arrangements by which residents can raise any concerns and, issues
- The mechanism for investigation and responding to residents' concerns and complaints
- provision of and access routes to contractors' compounds
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and retention of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities to be provided at the entrance to the site to prevent mud on the highway
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be strictly adhered to throughout the construction period for the development.

Reason: In the interest of providing acceptable levels of amenities to neighbouring uses and to provide adequate site access and on-site parking for site users, in accordance with Policy EN1 of the adopted Calderdale Local Plan.

13. With regards to contaminated land:

- a) Where further intrusive investigation is recommended in the Preliminary Risk Assessment there shall be no commencement of the development hereby approved until a Phase II Intrusive Site Investigation Report has first been submitted to and approved in writing by the Local Planning Authority.
- b) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.
Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy so approved. In the event of contamination not previously considered being identified the Local Planning Authority shall be

notified of the extent of that unforeseen contamination and of the further works necessary to complete the remediation of the site.

- c) Following completion of all remediation measures a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To ensure that the site is safe for development and future users from environmental hazards and contaminated land, in accordance with Policy EN3 of the adopted Calderdale Local Plan and Chapter 15 of the National Planning Policy Framework.

- 14. Prior to installation, a species enhancement plan shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of integral bat roosting and bird nesting features within the bridges.

The agreed plan shall show the number and specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant.

All approved features shall be installed prior to first use of the bridges on which they are located in full accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: In the interests of providing acceptable on-site species enhancement mitigations for protected species, in accordance with Policy GN3 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 15) Paragraph 180.

- 15. Notwithstanding any details shown on the approved plans, there shall be no commencement of the development above ground level until details of the facing material of the bridge piers have first been submitted to and approved in writing by the Local Planning Authority.

The external materials shall be of regularly coursed natural stone (sympathetic in colour, coursing and texture to that used in the immediate vicinity). The pointing shall be flush with the face of the stone or slightly recessed, ("ribbon" or "strap" pointing shall not be used).

Before the development is first brought into use, it shall be constructed in accordance with the details so approved and shall be retained and maintained as such thereafter.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

- 16. Notwithstanding any details shown on the approved plans, the improvements to the canal towpath shall not begin until details of the full details of the design of the new wash wall and extended canal towpath including retention of the historic fabric,

materials, colour and finish have first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the towpath being brought into use and shall be retained and maintained as such thereafter.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

17. Notwithstanding any details shown on the approved plans, there shall be no commencement of construction of any boundary walls, fencing and surfacing until full details of their design, materials, colour and finish have first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the towpath being brought into use and shall be retained and maintained as such thereafter.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

18. Notwithstanding any details shown on the approved plans, there shall be no commencement of the construction of the Elland Bridge above ground level until full details of the ramp landing area around the southern canal towpath and Gas Works Lane area, and the seating area underneath the bridge have first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the towpath being brought into use and shall be retained and maintained as such thereafter.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

19. Notwithstanding any details shown on the approved plans, there shall be no commencement of the construction of the Elland Bridge above ground level until full details of the colour of the bridge structure and colour and finish of the deck have first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the towpath being brought into use and shall be retained and maintained as such thereafter.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

20. Notwithstanding the details of the public artwork shown on plan ref: BDX-JBAU-XX-EL-DR-L-0003 Revision P04 (Elland Landscape Proposals 3 of 6, dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024), full

details of all public artwork to be installed within the site shall first be submitted to and approved in writing by the Local Planning Authority prior to its installation. The public artwork shall be retained and maintained as such thereafter or until a new public art scheme is proposed to replace it having been first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is built to an appropriate quality and standard of design, in accordance with Policies BT1 and HE1 of the adopted Calderdale Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

21. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of 10 years from the date of planting, shall be replaced during the next available planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason: In the interests of preserving and enhancing visual amenity and ensuring a well-design development, in accordance with Policies BT1 and BT3 of the adopted Calderdale Local Plan and Chapter 12 of the National Planning Policy Framework.

22. Any existing tree, shrub or hedgerow which dies, is removed or become seriously damaged or diseased as a result of the development within a period of 10 years from the date of commencement, shall be replaced during the next available planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason: In the interests of preserving and enhancing visual amenity and ensuring a well-design development, in accordance with Policies BT1 and BT3 of the adopted Calderdale Local Plan and Chapter 12 of the National Planning Policy Framework.

23. The development shall be undertaken in full accordance with ref: BDX-JBAU-XX-EB-RP-EN-0001-WSI Revision P03 (Written Scheme of Investigation for Archaeological Watching Brief, dated 27/02/2024 and received by the Local Planning Authority on 04/03/2024).

The measures set out in the WSI and Watching Brief shall be implemented throughout the construction phase of development. The reporting, publishing and depositing of any findings with the relevant authorities and archival services shall be undertaken in accordance with the timescales set out in Section 11 of the WSI, in consultation with the West Yorkshire Archaeology Advisory Service.

Reason: In the interests of recording and preserving items of archaeological interest, in accordance with Policy HE1 of the adopted Calderdale Local Plan and National Planning Policy Framework (Chapter 16) Paragraph 211.

24. The development shall be carried out in accordance with the approved Flood Risk Assessment (BDX-JBAU-XX-00-RP-C-0001-A03 Revision C06, dated 04/03/2024 and received by the Local Planning Authority on 04/03/2024) and the accompanying Technical Note (BDX-JBAU-XX-00-TN-EN-0001-S3 Revision P01, dated 20/12/2023 and received by the Local Planning Authority on 21/12/2023) and the following mitigation measures they detail:

- The soffit level of the Elland Bridge shall be no lower than 68.70 mAOD.
- The soffit level of the West Vale Bridge shall be no lower than 67.46 mAOD.
- The associated improved routes will consist of changes to the surface layout and will not have any additional features or land raising (as highlighted in 3.4.4).

These mitigation measures shall be fully implemented prior to the first use of the development and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained as such thereafter.

Reason: To reduce the risk of flooding to the development and ensure there is no increased risk of flooding elsewhere, in accordance with Policy CC2 of the adopted Calderdale Local Plan and Chapter 14 of the National Planning Policy Framework.

Informative(s)

1. The approved plans pursuant to Condition 1 of this Decision Notice are:

Location Plan

- Plan ref: BDX-JBAU-XX-00-DR-C-0100 Revision C03 (Location Plan), dated 29/04/2024 and received by the Local Planning Authority on 25/07/2024.

West Vale Site Plans

- Plan ref: BDX-JBAU-XX-WV-DR-C-0110 Revision C03 (West Vale General Arrangement Overview), dated 16/06/2023 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-WV-DR-C-0111 Revision C03 (Rochdale Road, West Vale General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-WV-DR-C-0112 Revision C03 (Stainland Road to Heath RUFC, West Vale General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-WV-DR-C-0113 Revision C02 (Heath RUFC to Towpath, West Vale General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-WV-DR-C-0114 Revision C05 (Black Brook Cycleway, West Vale GA & Longsection), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.

West Vale Elevations and Sections

- Plan ref: BDX-JBAU-XX-WV-DR-C-0021 Revision C03 (West Vale Bridge Proposal), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-WV-DR-C-0121 Revision C02 (Black Brook Cycleway, West Vale Longsections/Elevations), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.

- Plan ref: BDX-JBAU-XX-WV-DR-C-0122 Revision C02 (Black Brook Cycleway, West Vale Typical Sections and Details), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.

West Vale Landscaping Plans

- Plan ref: BDX-JBAU-XX-WV-DR-L-0001 Revision P03 (West Vale Landscape Proposals), dated 31/07/2020 and received by the Local Planning Authority on 07/08/2023.

Elland Site Plans

- Plan ref: BDX-JBAU-XX-EL-DR-C-0120 Revision C05 (Elland General Arrangement Overview), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0121 Revision C04 (Exley Lane & Park Road, Elland General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0122 Revision C06 (Gas Works Lane & Riverside Park, Elland General Arrangement), dated 22/07/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0123 Revision C07 (Riverside Park & Wistons Lane, Elland General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0124 Revision C05 (Jubilee Way to Eastgate, Elland General Arrangement), dated 04/12/2023 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0125 Revision C05 (Eastgate, Elland General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0126 Revision C04 (Eastgate to Elland Lane General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0127 Revision C04 (Elland-Riorges Roundabout General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0128 Revision C04 (Lowfields Way to Elland-Riorges Link, Elland General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0129 Revision C04 (Elland-Riorges Link to Lower Edge Road, Elland General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0130 Revision C02 (Millgate to Riverside Park General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0131 Revision C03 (Wistons Lane Station Approach General Arrangement), dated 03/06/2021 and received by the Local Planning Authority on 25/07/2024.

Elland Elevations and Sections

- Plan ref: BDX-JBAU-XX-EL-DR-C-0019 Revision C03 (Navigation & Calder Bridge Tied Arch Bridge Option), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0064 Revision C02 (Navigation & Calder Bridge Tied Arch Bridge Option Typical Sections – Curved Balustrade), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0065 Revision C02 (Elland Bridge Proposal Wharfe House Elevations), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0066 Revision C02 (Elland Bridge Proposal Wharfe House Elevations), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0071 Revision C03 (Tow Path Widening GA), dated 17/12/2020 and received by the Local Planning Authority on 07/08/2023.
- Plan ref: BDX-JBAU-XX-EL-DR-C-0072 Revision C03 (Tow Path Widening Sections), dated 15/10/2020 and received by the Local Planning Authority on 07/08/2023.

Elland Landscaping Plans

- Plan ref: BDX-JBAU-XX-EL-DR-L-0001 Revision P04 (Elland Landscape Proposals 1 of 6), dated 02/05/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-L-0002 Revision P04 (Elland Landscape Proposals 2 of 6), dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-L-0003 Revision P04 (Elland Landscape Proposals 3 of 6), dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-L-0004 Revision P04 (Elland Landscape Proposals 4 of 6), dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-L-0005 Revision P04 (Elland Landscape Proposals 5 of 6), dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024.
- Plan ref: BDX-JBAU-XX-EL-DR-L-0006 Revision P04 (Elland Landscape Proposals 6 of 6), dated 20/05/2024 and received by the Local Planning Authority on 25/07/2024.

2. The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition(s) number(s) 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 of this permission require(s) matters to be approved before development starts; however, in this instance the conditions are justified because:

- I. The details required are fundamental to the acceptability of the subsequent building works.
 - II. The details required are necessary to ensure that public safety and/or amenity are protected during the subsequent building works.
3. The proposed surface water drainage outfall works at Elland Riverside Park as indicatively shown on non-approved plan ref: BDX-JBAU-DN-EB-DR-C-00152 Revision P03 (Upper Wistons Lane & Riverside Park, Elland Drainage General Arrangement, dated 09/05/2024) and identified within ref: BDX-JBAU-XX-00-FN-EN-0001-S3-P02 (Note to File – Drainage Works GDPO, dated 06/11/2024 and received by the Local Planning Authority on 07/11/2024) constitute Permitted Development under Schedule 2, Part 12, Class A(a) of The Town and Country Planning (General Permitted Development) (England) Order (as amended).
 4. Where a sustainable drainage scheme is to be provided, the submitted details shall include but are not limited to:
 - i. Details of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters and increasing flood risk to downstream land;
 - ii. Design details of all components and in accordance with CIRIA report C753 The SuDS Manual
 - iii. A timetable for its implementation
 - iv. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and
 - v. Plan showing flow paths in an exceedance or blockage scenario.
 5. Under Section 23 of the Land Drainage Act any works to an ordinary watercourse [every river, stream, ditch, drain, cut, dike/dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river] will require consent from the Lead Local Flood Authority, Calderdale MBC, prior to works on the watercourse commencing. This is required for both temporary and permanent works and is separate to any planning permission granted or other consents issued. Please visit <http://www.calderdale.gov.uk/v2/residents/environment-planning-and-building/flooding/watercourses-land-drainage> for further information and an application form. Alternatively, please contact llfa@calderdale.gov.uk for an application form.
 6. Surface water drainage to the Calder & Hebble Navigation (including the re-use of existing outfalls) would require the consent of the Canal & River Trust in their capacity as landowner. The applicant is reminded that they should contact the Trust's Utilities Section by email at utilitiesenquiry@canalrivertrust.org.uk or phone on 07483351479 to ensure that any necessary consents are given.

7. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

8. A Stage 1 Road Safety Audit should be undertaken in consultation with the Local Highway Authority to ensure the development provides a safe highway environment for all users.

9. All pruning works to cut back retained trees should be undertaken to BS3998: 2010 Recommendations for tree works.

10. Informative Note valid from 1st January 2023 until 31st December 2024

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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, excavations for 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.

If any 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

11. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application in order to secure a policy compliant proposal.

Richard Riggs
Principal Planning Officer

Report Dated: 07 November 2024