

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2024/44/90272/W
Site Address:	Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Description:	Discharge conditions 17 and 18 (Geo-environmental Ground Investigation, phase 1 and 2) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units)
Recommending Officer:	Katie Chew

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nicholas Hirst

AUTHORISED OFFICER

Date: 27-Jun-2025

Officer Report

Application: 2024/90272

Application Site: Penistone Road/Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Proposal: Discharge conditions 17 and 18 (Geo-environmental Ground Investigation, phase 1 and 2) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units).

Assessment

Condition 17 (Phase 1 Desk Study Report)

17. Notwithstanding the submitted information, groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

In support of Condition 17 the following documents have been submitted:

- Geo-environmental Ground Investigation Report, ref no. E23/8060/R001A, Rev A, authored by Haigh Huddleston & Associates, dated September 2024, received 18/09/2024.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 25/03/2024:

A Phase 1 Geo-environmental Assessment authored by ECUS Ltd, in March 2021 (ref: 14699-P1 Revision 2) referenced in the supporting Phase 2 document for the current application, was not provided with the current application but was submitted in support of the outline application 2020/92307. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

Having reviewed the revised Phase 1 report alongside the Geo-environmental Ground Investigation Report authored by Haigh Huddleston & Associates in January 2024 (ref: E23/8060/R001), we are able to accept the Phase 1 report and recommend that Condition 17 is discharged.

Based on the above, KC ENVH advise that the submitted details are acceptable to discharge Condition 17. Officers concur with this assessment and recommend that the details be approved. Given the condition has no ongoing requirements, the condition may be discharged in full.

Condition 18 (Phase II Intrusive Site Investigation Report)

18. Notwithstanding the submitted information, where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 17 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: *So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

In support of Condition 18 the following documents have been submitted:

- Geo-environmental Ground Investigation Report, ref no. E23/8060/R001A, Rev A, authored by Haigh Huddleston & Associates, dated September 2024, received 18/09/2024.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 25/03/2024:

A Geo-environmental Ground Investigation Report authored by Haigh Huddleston & Associates in January 2024 (ref: E23/8060/R001) has been received in support of the application to discharge Condition 18. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The report details the findings from the recent investigation by Haigh Huddleston & Associates (HHA) that included trial pits and rotary boreholes conducted in December 2023. Soil samples collected during these investigations underwent chemical analysis, revealing marginally elevated levels of arsenic (39mg/kg) compared to the assessment value of 37mg/kg. Several samples also contaminated elevated levels of dibenzo(a,h)anthracene (0.3-0.5 mg/kg). The report states that the site has remained undeveloped since 1854 and HHA considered this to be natural levels representative of the area. No asbestos was recorded in the samples taken from site. No other contaminants exceeded trigger levels, and HHA consider there to be a low/negligible risk to end users from localised ground contamination on-site.

Gas monitoring from five boreholes visited on two occasions showed no methane and a peak carbon dioxide level of 2.1% v/v. The minimum oxygen concentration recorded was 18.2% v/v and no flow was detected. HHA consider the site to currently be classified as a Characteristic Situation Level 1 site in accordance with BS8485. This suggests minimal risk from ground gas migration. However, additional ground gas monitoring visits are necessary and are recommended in the report. Groundwater was encountered at depths of 0.8-2.6m in five trial pits, with no groundwater strikes recorded in the borehole investigation.

Comments

We have read the report provided. The assessment of the risk associated with dibenzo(a,h)anthracene in the soil samples collected from TP101, TP104, and TP105, where elevated levels were observed compared to the chosen assessment criteria value of 0.24 mg/kg, lacks clarity in the report. Although the report suggests a topsoil strip, it does not provide detailed remediation options or specific recommendations regarding the elevated dibenzo(a,h) anthracene levels found in the clay strata at TP104. This was nearly double the assessment criteria value (0.50 mg/kg). Further commentary and clarification are necessary to address this point, especially considering its presence in both topsoil and clay layers.

In addition, we cannot consider the site characterisation complete, as additional ground gas monitoring is recommended in the report which we support. We expect this information to be provided in support of the application to discharge Condition 18.

For these reasons we do not accept the Geo-environmental Ground Investigation Report authored by Haigh Huddleston & Associates in January 2024 (ref: E23/8060/R001). We require additional commentary on the proven dibenzo(a,h)anthracene contamination and the ground gas regime before we are able to provide additional comments. We recommend that Condition 18 remain.

Following receipt of a revised Geo-environmental Ground Investigation Report, further comments were received from ENVH dated 13/11/2024:

Further to our previous response, in support of the application to discharge Condition 18 we have received a revised Geo-environmental Ground Investigation Report, authored by Haigh Huddleston & Associates in September 2024 (ref: E23/8060/R001A). The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The additional gas monitoring data confirms the original CS1 classification from the earlier report (January 2024, ref: E23/8060/R001), meaning no gas protection measures are required for the development. We have also reviewed the commentary on dibenz(a,h)anthracene concentrations encountered in the topsoil samples. However, we disagree with the conclusions and recommend further testing to confirm the suitability of site-won materials for re-use. Despite this, we believe there is enough information to meet the requirements of Condition 18 and recommend that the condition is discharged.

Based on the above, KC ENVH advise that the submitted details are acceptable to discharge Condition 18. Officers concur with this assessment and recommend that the details be approved. Given the condition has no ongoing requirements, the condition may be discharged in full.

Recommendation: Approve details.

Report Dated: 18/06/2025.

Recommended Decision Notice Text

Condition 17 (Phase 1 Desk Study Report)

Pursuant to Condition 17, you have submitted:

- Geo-environmental Ground Investigation Report, ref no. E23/8060/R001A, Rev A, authored by Haigh Huddleston & Associates, dated September 2024, received 18/09/2024.

The submitted information is considered to be sufficient to discharge Condition 17 and is hereby approved.

Condition 18 (Phase II Intrusive Site Investigation Report)

Pursuant to Condition 18, you have submitted:

- Geo-environmental Ground Investigation Report, ref no. E23/8060/R001A, Rev A, authored by Haigh Huddleston & Associates, dated September 2024, received 18/09/2024.

The submitted information is considered to be sufficient to discharge Condition 18 and is hereby approved.