

**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:	2024/44/91837/W
Site Address:	Colne Vale Business Park, Colne Vale Road, Milnsbridge, HD3 4NY
Description:	Discharge details reserved by conditions 3 (Landscape Management Plan), 4 (Phase I Desk Study Report), 5 (Phase II Intrusive Site Investigation Report) on previous permission 2023/92161 for erection of 3 industrial units
Recommending Officer:	Molly Storer

DECISION – APPROVE DISCHARGE OF CONDITIONS

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Sep-2024

DISCHARGE OF CONDITIONS

Site: Colne Vale Business Park, Colne Vale Road, Milnsbridge, HD3 4NY.

Proposal: Discharge details reserved by conditions 3 (Landscape Management Plan), 4 (Phase I Desk Study Report), 5 (Phase II Intrusive Site Investigation Report) on previous permission 2023/92161 for erection of 3 industrial units.

ASSESSMENT

Condition 3 (Landscape Management Plan)

3. There shall be no commencement of the development hereby permitted until a Habitat and Landscape Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include the following:

- *Site role and responsibilities;*
- *Good practice guidelines for construction works;*
- *Specification of measures that will result in the creation of features of ecological value as part of the development of the site (including bat and bird boxes);*
- *Specifications of a proposed lighting strategy to avoid habitat suitable for bats and birds;*
- *Pollution Prevention Measures to be put in place for works near the river Colne to protect any fauna it may support;*
- *An invasive species biosecurity and management plan in line with best practice; • Recommended timings of works to avoid ecological constraints such as nesting birds, roosting bats and hedgehogs; and,*
- *Ongoing monitoring and remedial measures.*

The development shall not be brought into use until the approved plan has been implemented and completed. The approved plan shall thereafter be retained in accordance with approved details for the lifetime of the development.

Reason: *In the interests of protecting and enhancing Biodiversity Net Gain, protected species, and terrestrial and water habitats, in*

accordance with Policies LP29, LP30 and LP33 of the adopted Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

As part of this application the following has been submitted: -

- *Preliminary Ecological Appraisal Report Issue JCA Ref (21850/EIC) dated 22nd March 2024*
- *Landscape and Ecological Management Plan Issue JCA Ref (21850a/EIC) dated 8th April 2024*

Taking into account the content of the Ecological report and the Landscape and Ecological Management plan which includes the information required it is concluded that the report/plan submitted for Condition 3 is acceptable and in accordance with LP29, LP30 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework. This condition is therefore recommended to be discharged.

Condition 4 (Phase I Desk Study Report)

4. 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.*

As part of this application the following has been submitted: -

- Phase 1 Environmental Desk Study Report authored by RGS dated 8th January 2024 (ref: C4013/23/E/6099)

Consultee response:

KC Environmental Health have been consulted on the above details and made the following concluding comments:

A Phase 1 Environmental Desk Study Report authored by RGS dated 8th January 2024 (ref: C4013/23/E/6099) has been received in support of the application to discharge Condition 4. The report includes geotechnical information, which is outside the remit of Environmental Health, this

consultation response therefore only relates to the land contamination aspect of the report.

We have read the report and accept the contents. A site walkover was conducted on 21st December 2023. RGS noted that the entire site is covered with concrete, and several chemical drums and IBCs labelled as containing AdBlue and methyl methacrylate were noted in the yard although there were no visible signs of leakage. Household, commercial, and industrial waste, mainly construction and demolition rubble, was scattered across the site, along with discarded tyres observed in various locations. Two concrete bins containing discarded topsoil and asphalt were found in the northeast corner.

An appraisal of the site's history identified the site has been used as a chemical works, dye works, and a substation. In the surrounding area, there has been general industrial activity and notably a historic landfill within 250 meters of the site. RGS consider there to be several source-pathway-receptor linkages of moderate risk, and the Phase 1 report concludes by recommending a Phase 2 intrusive investigation, including soil sampling and ground gas and groundwater monitoring.

We accept the Phase 1 Environmental Desk Study Report authored by RGS dated 8th January 2024 (ref: C4013/23/E/6099) and recommend that Condition 4 is discharged.

Taking account of the response of the Environmental Health team and the content of the submitted Phase I report it is considered that the submitted Phase I is sufficient to enable the discharge of condition no.4 and this condition is therefore recommended to be discharged.

Condition 5 (Phase II Intrusive Site Investigation Report)

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.*

As part of this application the following has been submitted: -

- Phase II Interpretative Report authored by RB Geotechnical, dated May 2024 (ref: RBG392)

A Phase II Interpretative Report authored by RB Geotechnical dated May 2024 (ref: RBG392) has been received in support of the application to discharge Condition 5. The report includes geotechnical information, which is

outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

We have read the report and accept the contents. Briefly, three shallow soil samples were taken from three locations across the site. Samples were sent for chemical analysis. No elevated levels of contaminants were found within the shallow soils when screened against commercial end-use criteria. However, asbestos in the form of chrysotile was identified in all three samples (<0.1% w/w). Despite the presence of asbestos, RB Geotechnical considered no remedial measures to be necessary, and no further assessment is required.

In relation to ground gases, ground gas monitoring was carried out on six separate occasions. No methane was detected on any of the monitoring occasions. Peak carbon dioxide concentration encountered were 1.80% v/v, and the peak flow rate was 0.10 l/hr. The minimum oxygen concentration was 17% v/v. During gas monitoring, groundwater was consistently encountered within the borehole at depths ranging from 3.10 mbgl to 3.20 mbgl. Consequently, the Gas Screening Value (GSV) for the site was calculated to be 0.0018 l/hr and RB Geotechnical conclude there is no requirement for gas protection measures.

We accept the Phase II Interpretative Report authored by RB Geotechnical, dated May 2024 (ref: RBG392), on the assumption that no soft landscaping will be included in this development and that the asbestos pollutant linkage will be severed with hard cover. However, if soft landscaping is to be included, we consider there to be a potential pollutant linkage and a risk to receptors due to the presence of asbestos on-site. In such a case, we would expect to see a revised report.

Taking account of the response of the Environmental Health team, the content of the submitted Phase II Interpretative Report and confirmation from the agent that there will be no soft landscaping within this development it is considered this is sufficient to enable the discharge of condition no.5 and this condition is therefore recommended to be discharged.

DECISION LETTER TEXT

Condition 3

You have submitted the following: -

- Preliminary Ecological Appraisal Report Issue JCA Ref (21850/EIC) dated 22nd March 2024
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- Landscape and Ecological Management Plan Issue JCA Ref (21850a/EIC) dated 8th April 2024

The details submitted for this condition are considered to be acceptable, it is a requirement of this condition that the scheme be completed before the development is brought into use and retained thereafter.

Condition 4

You have submitted the following: -

- Phase 1 Environmental Desk Study Report authored by RGS dated 8th January 2024 (ref: C4013/23/E/6099)

Taking account of the response of the Environmental Health team and the content of the submitted Phase I report it is considered that the submitted Phase I is sufficient to enable the discharge of condition no.4 and this condition is therefore discharged.

Condition 5

You have submitted the following: -

- Phase II Interpretative Report authored by RB Geotechnical, dated May 2024 (ref: RBG392)

Taking account of the response of the Environmental Health team, the content of the submitted Phase II Interpretative Report and confirmation from the agent that there will be no soft landscaping is sufficient to enable the discharge of condition no.5 and this condition is therefore discharged.

Report dated: 13th September 2024