

**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:	2024/44/92198/W
Site Address:	Former Royd Edge Dyeworks, Holmfirth Road, Holmfirth, HD9 4BY
Description:	Discharge of details reserved by conditions 7 and 8 (Remediation Strategy) of previous permission 2007/92595 for outline permission for residential development
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Split Decision

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

Majors Team

AUTHORISED OFFICER

Date: 28-Oct-2025

Application: 2024/92198

Application site: Former Royd Edge Dyeworks, Holmfirth Road, Holmfirth, HD9 4BY

Proposal: Discharge of details reserved by conditions 7 and 8 (Remediation Strategy) of previous permission 2007/92595 for outline permission for residential development

Representations

Discharge of Condition applications are not publicised, in accordance with the DMPO2015. Nevertheless, should any representations be received, they may still be considered. One representation was received, with the following being a summary of the comments made:

- Questions over the nature of the application, seeking clarification as to what is being changed and whether it affects a nearby public footpath.
- Concerns over impacts upon local wildlife.

Response: The above comments are noted, but given the purpose and specifics of this Discharge of Condition, they are not considered material to the matter under consideration.

Assessment

Condition 7: Remediation Strategy

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition No. 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: *In order to ensure that any identified decontamination is dealt with appropriately and to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.*

In support of Condition 7, the applicant has submitted:

- Updated Remediation Report authored by Ashton Bennett (dated April 2024, reference: REMD 3537Rem)

- Letter authored by Lithos (dated 4th November 2024, reference: 014/5039/DJ/SRJ)

Condition 7 has two aspects. The first requires that the development be undertaken in accordance with the approved remediation strategy (pursuant to condition 6). This is an ongoing requirement that does not need to be discharged. The second part relates to if an amended remediation strategy is required and/or unexpected contaminated is found on the site. It sets out a protocol for the submission of an updated remediation strategy: the latter has been applied for.

The condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 17/12/2024:

Whilst we accept the Updated Remediation Report authored by Ashton Bennett (dated April 2024, reference: REMD 3537Rem) and Letter authored by Lithos (4th November 2024, 014/5039/DJ/SRJ) the condition must remain until the development is complete, as stated in the condition.

Officers support this assessment and recommend that the details be approved. However, the condition has an ongoing requirement and therefore it cannot be fully discharged at this time, a note of which is recommended to be included on the decision notice.

Condition 8: Validation Report

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy 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 or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: *In order to ensure that any identified decontamination is dealt with appropriately and to accord with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.*

In support of Condition 8, the applicant has submitted:

- Updated Remediation Report authored by Ashton Bennett (dated April 2024, reference: REMD 3537Rem)
- Letter authored by Lithos (dated 4th November 2024, reference: 014/5039/DJ/SRJ)

The condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 17/12/2024:

We acknowledge the proposals for remediation outlined in the documents provided and are in agreement with the suggested approach. However, we note that both reports reference an interim validation report dated circa 2011, which we have not yet received.

For any future application to discharge Condition 8, we expect all relevant validation documentation, including any interim reports, to be submitted in full. Additionally, the validation and reporting must be conducted in accordance with current best practice guidance to ensure compliance with regulatory requirements.

Officers support the above assessment. As such, officers recommend that Condition 8 must remain until further notice.

Recommendation: Issue split decision

Report Dated: 28/10/2025.

Decision notice text

Condition 7: Remediation Strategy

Pursuant to condition 7 you have submitted:

- Updated Remediation Report authored by Ashton Bennett (dated April 2024, reference: REMD 3537Rem)
- Letter authored by Lithos (dated 4th November 2024, reference: 014/5039/DJ/SRJ)

The information submitted in the above documents is considered acceptable and is hereby approved.

Notwithstanding the above, you are reminded that condition 7 has ongoing requirements, which must be adhered to, to ensure ongoing compliance with the condition. These are:

In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Condition 8: Validation Report

Pursuant to condition 8 you have submitted:

- Updated Remediation Report authored by Ashton Bennett (dated April 2024, reference: REMD 3537Rem)
- Letter authored by Lithos (dated 4th November 2024, reference: 014/5039/DJ/SRJ)

The submitted information is not considered to be sufficient to discharge Condition 8.

K.C. Environmental Health, who reviewed the submitted details, have advised that any future application to discharge condition 8 would need to include all relevant validation documentation, including any interim reports, to be submitted in full. Additionally, the validation and reporting must be conducted in accordance with current best practice guidance to ensure compliance with regulatory requirements.