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:	**2024/44/92554/E**
Site Address:	Low Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4BB
Description:	Discharge of details reserved by conditions 12 (Phase II Ground Investigation Report) , 13 (Remediation Strategy), 14 (Unexpected Contamination) and 15 (Validation Report) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – 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.

Victor Grayson

AUTHORISED OFFICER

Date: 18/11/2024

Application: 2024/44/92554/E

Site: Low Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4BB

Proposal: Discharge of details reserved by conditions 12 (Phase II Ground Investigation Report), 13 (Remediation Strategy), 14 (Unexpected Contamination) and 15 (Validation Report) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements

Assessment

<u>Conditions 12 (Phase II Ground Investigation Report), 13 (Remediation Strategy), 14 (Unexpected Contamination) and 15 (Validation Report)</u>

> *12. Development 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.*
>
> *13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 further groundworks shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.*
> ***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.*

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. 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**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework*

15. 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. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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. 178 and 179 of the National Planning Policy Framework*

The submitted details have been reviewed by K.C. Environmental Health. As per their consultation response dated 26/09/2024, initial concerns were raised. This led to discussions between K.C. Environmental Health and the applicant's consultant. In response, further details were provided.

In their consultation response dated 06/11/2024 K.C. Environmental Health confirmed that the further details are acceptable to discharge conditions 12 and 13. Officers support this assessment and recommend that these conditions be discharged.

In their wording, conditions 12 and 13 do not include further submission requirements, and therefore may be fully discharged.

Condition 14 has two ongoing requirements: the implementation of the to-be-approved remediation strategy (condition 13) and a requirement that unexpected confirmation be reported to the LPA. Given these ongoing

requirements remain necessary, condition 14 cannot be discharged at this stage.

Condition 15 requires that a post-remediation validation report be provided. This has not been provided, therefore condition 15 cannot be discharged at this stage.

Summary

Conditions 12 and 13 may be discharged.

Conditions 14 and 15 cannot be discharged.

Recommendation: issue split decision

Report Dated: 06/11/2024.

Proposed Letter Text

<u>Conditions 12 (Phase II Ground Investigation Report) and 13 (Remediation Strategy)</u>

You have submitted the following details pursuant to conditions 12 and 13:

- Document titled PHASE 2 GROUND INVESTIGATION REPORT, referenced NO. UK0037228.1558-100
- Email dated 24/10/2024
- Email dated 05/11/2024

I can confirm that the submitted details are acceptable and conditions 12 and 13 are hereby discharged.

<u>Conditions 14 (Unexpected Contamination) and 15 (Validation Report)</u>

Condition 14 has two requirements. The first requires the remediation strategy (approved pursuant to condition 13) to be implemented. The second relates to the procedure to follow if unexpected contamination is required. Given that these ongoing requirements remain relevant, condition 14 cannot be discharged currently.

Condition 15 requires a validation report be provided to demonstrate that the remediation measures approved pursuant to condition 13, and implemented in accordance with 14, have been undertaken successfully. No such report has been provided at this time, and therefore condition 15 cannot currently be discharged.