



Kirklees Council  
Planning and Development Service  
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Date: 12-Jun-2025  
Our Ref: 2024/92949

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of conditions 9 (retaining walls), 17 (Phase II Report), 18 (remediation), 21 (coal mining), 23 (charging facilities), 24 (facing materials) and 27 (construction management plan) of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping  
Land off Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT  
Application Number: 2024/92949**

I write with reference to your application to discharge the conditions for the above development as submitted on 15-Oct-2024.

Condition 9 (retaining walls)

An approval in principle (AIP) for the design of a Road Safety Barrier to Woodhead Road was granted 22/01/2025. The AIP makes reference to the following plans:

- Proposed plan and sections 24062-SDS-00-XX-DR-C-3050
- Vehicle Restraint System to Woodhead Road 24185-SDS-00-SLDR-C-3030-PPS
- Site layout proposed utilities 24185-SDS-00-SL-DR-3023

The following documents were, however, submitted to the Local Planning Authority on 30/05/2025 and it is understood that a new application has been made for AIP, based on the following new plans:

- Proposed gabion wall sections, 24062-SDS-00-XX-DR-C-3050 T3
- Proposed gabion wall elevations, 24062-SDS-00-XX-DR-C-3051 T3

- Sections through proposed RC (reinforced concrete) walls, 24062-SDS-00-XX-DR-C-3052 T3, 3053 T3, 3054 T2, 3055 T3

The plans already submitted and approved for AIP purposes must therefore be treated as superseded. The more recent plans are at an early stage in the process of assessment for AIP and cannot be approved for planning purposes until a new AIP has been granted. This condition therefore cannot be discharged at this stage.

#### Condition 17 (Phase II Report)

You have submitted a Hazardous Ground Gas Risk Assessment authored by Sirius (May 2022, C8781/MB/9853) pursuant to condition 17.

Details set out in the above report are considered acceptable for the purpose of condition 17, and are hereby approved.

As condition 17 has no further requirements, it is hereby fully discharged.

#### Condition 18 (remediation)

You have submitted the following documents pursuant to condition 18.

- A Strategy for Remedial and Preparatory Works authored by Sirius (May 2022, C8781/RS)
- A Combined Remediation Strategy, Drilling & Grouting Plan authored by Remada Geo Consultants (May 2024, 1080.07.03)

KC Environmental Health have examined the submitted documents and do not recommend that condition (18) be discharged at this stage, for the following reasons:

- There appears to be turnover of landfill material proposed, and additional information is required regarding the proposals.
- Furthermore, we expect ground gas monitoring to be conducted post-grouting/earthworks.
- The gas protection proposals have not been confirmed, and we would expect ground gas alarm systems to be implemented on sites of this nature.

You were notified of these shortcomings on 06/03/2025, however an additional report addressing all of the above concerns has not been supplied. The submission therefore remains deficient and an approval pursuant to condition 18 cannot be issued at this stage.

Condition 21 (coal mining)

The following documents, submitted with this application, are deemed to be relevant to the intrusive site investigations and remedial works relating to the site's coal mining legacy:

- Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DR-C-3019-T3)
- Supplementary Coal Mining Investigation (Ref. C8781/AW/9824 dated March 2022)
- Strategy for Remedial and Preparatory Works (Ref. C8781/RS, dated May 2022)  
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- Hazardous Ground Gas Risk Assessment (Ref. C8781/MB/9853 dated May 2022)
- Specification for the Drilling and Grouting of Shallow Mine Workings (Ref. SDL4050, dated May 2022)
- Combined Remediation Strategy, Drilling & Grouting Plan (Report No: 1080.07.02 dated May 2024)

The following reports have already been submitted and are included again for reference:

- Combined Phase 1 and Phase 2 Ground Investigation Report, by Curtins (dated 12/05/2021)
- Sirius Coal Mining Risk Assessment (Rev B dated 28/10/2021)
- Lidl Birstall Ground Engineering etc Philosophy (09-148-DOC003A)
- G B Card and Partners letter (Rev 1 dated 29/10/2021)
- Technics Topographical Survey Drawing (5038-1120-01B\_Final)
- G B Card and Partners letter (dated 11/12/2020)
- Geo-Environmental Assessment, by Delta Simons (dated 24/07/2018)

The Mining Remediation Authority consider the first part of condition 21 to have been satisfactorily addressed, however they do not recommend that the condition be discharged because of the lack of evidence that works to remediate coal mining legacy affecting the site have been implemented.

Notwithstanding the above advice, it is noted that condition 21 is a compliance condition. It does not require anything to be submitted to or approved by the Local Planning Authority. No approval needs to be (or can be) issued pursuant to condition 21.

Condition 23 (charging facilities)

You have submitted a plan showing the location of 12 parking spaces with electric vehicle (EV) charging points, reference 7404-00-8050. The submitted covering letter confirms that the charging points would provide 7kW of power.

These details are considered acceptable, and are hereby approved.

Please be reminded of the final part of condition 23, which states:

*Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.*

Condition 24 (retaining wall facing materials)

You have submitted a plan, Proposed Boundary Treatments – Planning (7404-SMR-00-ZZ-DR-A-2008-A3-C9), which confirms that a brick finish would be used for retaining walls in ‘Red Ashington Multi’.

These details are considered acceptable for the purpose of condition 24, and are hereby approved. Please be reminded of the final part of condition 24, which states:

*The retaining walls shall be constructed in accordance with the approved facing materials thereafter.*

Condition 27 (construction management plan)

You have submitted the following pursuant to condition 27:

- A Construction Method Statement, lacking a full reference number but denoted Issue 1, by Jeremy Dodd dated 21/06/2024, with the original documents
- A Construction Method Statement by Sirius, reference SR4444a, dated February 2025, which provides further details
- An addendum to the Construction Method Statement, reference SR4444b/CMS, dated May 2025

The details set out in the above-listed documents are considered acceptable for the purpose of condition 27, and are hereby approved. Please be reminded of the final part of condition 27, which states:

*The development shall be carried out strictly in accordance with the approved Construction Management Plan and no change there from shall take place without the prior written consent of the Local Planning Authority.*



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Yours faithfully

Mathias Franklin  
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