

**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:	2025/44/90515/E
Site Address:	Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE
Description:	Discharge of details reserved by condition 9 (Remediation Validation Report) on previous permission 2018/91787 for outline permission for demolition of existing buildings and structures and erection of residential development
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Condition – Refusal

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

Nick Hirst

AUTHORISED OFFICER

Date: 10-Jul-2025

Application: 2025/44/90515/E

Site: Greenside Mills, Saville Road, Skelmanthorpe, Huddersfield, HD8 9EE

Proposal: Discharge of details reserved by condition 9 (Remediation Validation Report) on previous permission 2018/91787 for outline permission for demolition of existing buildings and structures and erection of residential development

Condition 9 (Validation Report)

9. 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. *To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan*

Documents Submitted

- Validation Report Eastern Pond Silts, ref LKC241349, dated November 2024
- Completion Report for the Proof Drilling of Potential Shallow Mine Workings, reference C9297C/D&G dated September 2024.
- Validation Report reference No.446 dated 7th February 2025
- GeoShield Verification Report 001, reference GEO104864 R001.
- Ground Gas Verification Plan, reference C9297/GHL/10786, dated 11th February 2025
- Risk Assessment and Validation Report reference No.4458. Dated 8th April 2025
- Revised Risk Assessment and Validation Report reference No.4458. Dated 28th May 2025.

Consultation Responses

The Mining Remediation Authority

Comments Dated 24/03/2025

The Sirius Geotechnical Report (dated September 2024 report ref. C9297C/D&G), as referenced in our response to 2023/44/93622/E, states at Section 4, 'Conclusions' that; 'The site observations and drilling records indicate that the proof drilling has been carried out to a

satisfactory standard in accordance with the requirements of the Coal Authority permit and the Specification, and that no shallow coal mine workings have been encountered below the site which are considered to pose a risk to surface stability.’ On the basis of this statement and the professional opinions of the report authors I can confirm that the Coal Authority’s Planning Team raise no objection to the LPA discharging Condition 9 of the approved consent should it see fit.

K.C Environmental Health

Comments Dated 17/03/2025

For Environmental Health to recommend the discharge of contaminated land conditions, we must be satisfied, at all the relevant stages, that satisfactory reports have been submitted to demonstrate that the development is suitable for use. We acknowledge a verification report received in support of the current application, despite pre-commencement conditions not being discharged for this site. We will not consider a validation report until a suitable Phase 2 and where necessary a suitable remediation strategy has been received and approved. The site must be fully characterised in its current state. This advice has been repeated in our response for the concurrent application 2023/93622.

Under the National Planning Policy Framework, it is the developer’s responsibility to confirm that the site is safe and suitable for its intended use. Moving forward, in the first instance, we expect a detailed risk assessment and thorough investigation of the site in its current condition to confirm there is no risk to the end-users. Any reports must be authored by a competent person and adhere to legislation and good practice guidance. This information must be submitted to the Local Planning Authority for approval in writing. The Planning Officer will reconsult Environmental Health when new reports are authored.

For the reasons above, to ensure safe development and occupation of the site, we recommend that contaminated land condition 9 remain until further notice.

Comments Dated 06/05/2025

Further to our comments dated 17th March 2025, we have received a Risk Assessment and Validation Report by MDJA (8th April 2025, ADJ/DJM/11466). The report includes geotechnical information, which falls outside the scope of Environmental Health. As such, this consultation response focuses solely on the land contamination aspects of the report.

MDJA have undertaken additional testing and reporting to address concerns regarding remediation at the site. The additional testing included surface sampling across the site (excluding the area of the

pond). Locations were chosen in the rear gardens of the plot currently accessibly. These were Plots 1, 3, 7, 8, 17, 20, 23, 24, 28, 38 and three samples of Public Open Space (POS). The western site was inaccessible due to stockpiled material and hardstanding. MDJA propose additional testing in this area in due course. MDJA have added that this is to make a preliminary assessment of the level of any contamination on the site in order to determine if there was any remaining risk in respect of both human health and the environment.

From the chemical analysis undertaken on the samples, all the results for the metals fell within their Maximum Permitted Concentrations (thresholds) for a residential end-use (with home-grown vegetables). One result for Benzo(b)fluoranthene exceeded the threshold for garden areas. However, the sample (POS2) was of future Public Open Space, and fell within the threshold for Residential POS of 7.1 mg/kg. Two results for Dibenz(a,h)anthracene marginally exceeded the threshold for a residential end-use. However, these were also from POS. Only one result exceeded the threshold for Residential POS of 0.57 mg/kg, recording 0.91 mg/kg.

Loose Asbestos fibres of Chrysotile were recorded in three of the samples. Gravimetric analysis of the samples returned values of fibres of Chrysotile were recorded in three of the samples. Gravimetric analysis of the samples returned values of <0.001% w/w, 0.002% w/w and 0.026% w/w. One of the samples contained insulation board. The asbestos content comprised Chrysotile and Amosite and represented 0.001% w/w.

MDJA consider there to be 'no clear pattern as to the spread of asbestos across the plots and POS areas tested' and maintain the recommendations of Sirius, in that where asbestos impacted Made Ground is present within 1m of finished ground levels. An additional 150mm granular hard-dig layer or geotextile separator is provided below the 600mm topsoil and subsoil clean cover i.e. the existing Remediation Strategy continues to be adopted. To minimise future costs, MDJA also recommend that Made Ground is stockpiled separately from clean excavated soils, as the latter are very unlikely to be contaminated by ACM's.

We have read the report and note the preliminary investigation of the site. Whilst the report provides a preliminary insight into the site since works commenced and confirms the presence of contamination there is little justification in the sampling methodology, description of the site in its current form and the report does not fully characterise all potential risks across the whole development site as parts were inaccessible. We therefore maintain our previous recommendations as dated 17th March 2025, in that this condition should remain. The applicant should address the outstanding contaminated land conditions on the concurrent application before proceeding with this application, in order to meet the condition requirements.

For the reasons above, to ensure safe development and occupation of the site, we recommend that contaminated land condition 9 remain until further notice.

Comments Dated 07/07/2025

Further to our comments dated 2nd May 2025, we have received a Revised Risk Assessment and Validation Report by MDJA (28th May 2025, ADJ/DJM/11480). The report includes geotechnical information, which falls outside the scope of Environmental Health. As such, this consultation response focuses solely on the land contamination aspects of the report.

We have reviewed the document provided. MDJA recommends following the Sirius remediation strategy (November 2023, Ref: C9297), specifically the application of clean cover across all areas of public open space and gardens. However, the report does not include an updated risk assessment, a revised conceptual site model and the site characterisation remains incomplete.

In addition, it does not address the concerns outlined in our most recent response. For these reasons, we recommend that Condition 9 remain in place until further notice. The applicant should resolve the outstanding contaminated land conditions associated with the concurrent application before proceeding with this one to ensure full compliance with the condition requirements.

For the reasons above, to ensure safe development and occupation of the site, we recommend that Condition 9 remain until further notice.

Assessment

The applicant has submitted listed the above documents for the purposes of discharging the condition.

The Mining Remediation Authority were consulted and raise no objection to the LPA discharging Condition 9 of the approved consent, should it see fit.

K.C Environmental Health initially advised that to recommend the discharge of contaminated land conditions, they must be satisfied, at all the relevant stages, that satisfactory reports have been submitted to demonstrate that the development is suitable for use.

The applicant initially submitted a verification report, despite pre-commencement conditions not being discharged which include condition 6 (Phase II Intrusive Site Investigation Report) and 7 (Remediation Strategy). K.C Environmental Health advised they could not consider a validation report until a suitable Phase 2 and where necessary a suitable remediation strategy has been received and approved, as the site must be fully characterised in its

current state. This advice has been repeated in a concurrent application (ref 2023/93622) which seeks to discharge conditions 6 and 7. Under the National Planning Policy Framework, it is the developer's responsibility to confirm that the site is safe and suitable for its intended use. The applicant was advised they needed to provide a detailed risk assessment and thorough investigation of the site in its current condition to confirm there is no risk to the end-users.

The applicant submitted a first iteration of a Risk Assessment and Validation Report by Michael D Joyce Associates LPP (MDJA). They have undertaken additional testing and reporting. The additional testing included surface sampling across the site (excluding the area of the pond). Locations were chosen in the rear gardens of the plot currently accessibly. These were Plots 1, 3, 7, 8, 17, 20, 23, 24, 28, 38 and three samples of Public Open Space (POS). The western site was inaccessible due to stockpiled material and hardstanding. MDJA propose additional testing in this area in due course. MDJA have added that this is to make a preliminary assessment of the level of any contamination on the site to determine if there was any remaining risk in respect of both human health and the environment.

From the chemical analysis undertaken on the samples, all the results for the metals fell within their Maximum Permitted Concentrations (thresholds) for a residential end use (with home-grown vegetables). One result for Benzo(b)fluoranthene exceeded the threshold for garden areas. However, the sample (POS2) was of future Public Open Space, and fell within the threshold for Residential POS of 7.1 mg/kg. Two results for Dibenz(a,h)anthracene marginally exceeded the threshold for a residential end-use. However, these were also from POS. Only one result exceeded the threshold for Residential POS of 0.57 mg/kg, recording 0.91 mg/kg.

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MDJA consider there to be 'no clear pattern as to the spread of asbestos across the plots and POS areas tested' and maintain the recommendations of Sirius, in that where asbestos impacted Made Ground is present within 1m of finished ground levels. An additional 150mm granular hard-dig layer or geotextile separator is provided below the 600mm topsoil and subsoil clean cover i.e. the existing Remediation Strategy continues to be adopted. To minimise future costs, MDJA also recommend that Made Ground is stockpiled separately from clean excavated soils, as the latter are very unlikely to be contaminated by ACM's.

K.C Environmental Health noted that whilst the report provides a preliminary insight into the site since works commenced and confirms the presence of contamination there is little justification in the sampling methodology, description of the site in its current form and the report does not fully

characterise all potential risks across the whole development site as parts were inaccessible. They recommended the condition should remain as the applicant has failed to address the outstanding contaminated land conditions on the concurrent application, and this should be addressed before proceeding with this application, in order to meet the condition requirements.

In response the applicant submitted a second iteration (revised) Risk Assessment and Validation Report by MDJA. MDJA recommends following the Sirius remediation strategy (November 2023, Ref: C9297), specifically the application of clean cover across all areas of public open space and gardens. K.C Environmental Health note the report does not include an updated risk assessment, a revised conceptual site model and the site characterisation remains incomplete. In addition, it does not address the concerns outlined in their most recent response. For these reasons, they recommend that condition 9 remain in place. Again, the applicant is advised that they should resolve the outstanding contaminated land conditions associated with the concurrent application before proceeding with this one to ensure full compliance with the condition requirements. For the reasons above, to ensure safe development and occupation of the site, K.C Environmental Health recommend that Condition 9 remain until further notice.

Officers support the assessments made by K.C Environmental Health and recommend that the details are not approved.

Recommendation: Refuse the Details

Report Dated: 10/07/2025

Recommended Decision Notice Text

Condition 9 (Validation Report)

You have submitted the following information pursuant to condition 9:

- Validation Report Eastern Pond Silts, ref LKC241349, dated November 2024
- Completion Report for the Proof Drilling of Potential Shallow Mine Workings, reference C9297C/D&G dated September 2024.
- Validation Report reference No.446 dated 7th February 2025
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- Risk Assessment and Validation Report reference No.4458. Dated 8th April 2025
- Revised Risk Assessment and Validation Report reference No.4458. Dated 28th May 2025.

You have submitted the above documents pursuant to condition 9. I can confirm that they are not acceptable for the purposes of satisfying condition 9 and condition 9 must remain.

You are advised to review the consultation responses from K.C. Environmental Health, dated 17/03/2025, 06/05/2025, 07/07/2025, and the planning officer's case report for elaboration on the reason why. These may be found online using the following weblink:

[Planning application details | Kirklees Council](#)

Under the National Planning Policy Framework, it is the developer's responsibility to confirm that the site is safe and suitable for its intended use. The applicant is advised to resolve the outstanding contaminated land conditions as without adequate site investigation a remediation strategy cannot be created. The information presented does not fully characterise all potential risks within the entirety of the development in its current state and does not demonstrate that the site is safe for use or that there is no risk to human health.