

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:	2025/44/90608/E
Site Address:	Thornccliffe Farm Shop, 1, Westfield Lane, Emley Moor, Huddersfield, HD8 9SZ
Description:	Discharge of details reserved by conditions 3 ((Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 5 , 6, 7, 9 (Remediation Strategy), 10 (intrusive site investigations) on previous permission 2024/91507 for erection of agricultural building
Recommending Officer:	Emma Thompson

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: 27-Jul-2026

Officer report:

Discharge of details reserved by conditions 3 ((Phase I Desk Study Report), 4 (Phase II Intrusive Site Investigation Report), 5, 6, 7, 9 (Remediation Strategy), 10 (intrusive site investigations) on previous permission 2024/91507 for erection of agricultural building.

Condition 3*Condition 3 (Phase I)*

3. 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Condition 4*Condition 4 (phase II)*

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

The details submitted are not acceptable for the purpose of discharging the condition.

Condition 5*Condition 5 (Remediation)*

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Condition 6*Condition 6 (Remediation)*

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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. 189 and 190 of the National Planning Policy Framework.

Condition 7

Condition 7 (Verification)

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been 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. 189 and 190 of the National Planning Policy Framework.

Assessment for 3,4,5, 6 & 7

The application has been referred to KC Environmental Health for comment due to the outstanding matters relating to land contamination which was reserved by conditions. Their comments are as follows:

In support of the application the following documents have been submitted:-

- *Phase I Preliminary Risk Assessment by Geo2,, ref: 23/1407.1.1*
- *Supporting Information Planning Application for land at the Thorncliffe Farm Shop, ref:25.1407.2.1*
- *G&M Consulting. Shallow Mining Investigation, dated 18th August 2023. Ref C593/01/ATS.*

The nature of the proposed development is non-residential, the proposed agricultural building shown in the plans is partly Yorkshire boarded, allowing for good natural ventilation. In our comments on the earlier planning application, we had concerns regarding the possible shallow coal to site and whilst we were satisfied the proposed building was sufficiently open to air and provided significant natural ventilation we wished to confirm if a combustion risk, or any possibility of voids (associated with shallow workings), due to shallow coal existed.

We have reviewed the submitted documents, two boreholes were drilled on the proposed site, one seam of intact coal, 700mm thick, was recorded in both of the boreholes between 7.5 m and 7.9 m bgl, within a bedrock sequence of sandstone and mudstones. This seam was described by the driller as 'dirty coal', which may be indicative of a poor quality coal. A second seam of coal,

800mm thick, was encountered in both holes, between 16.5 m and 16.9 m bgl. In BH02, the driller described the seam as 'dirty coal', again possibly indicating a poor quality coal. Based on the published geological records for the area, it is considered that the shallower seam represents the 3rd Brown Metal coal and the deeper seam, the Middleton Little coal. No voids or loss of flush were noted and harmful gases were not identified during drilling. Based on the evidence of the two boreholes drilled it does not appear that the site is adversely affected by shallow mine workings within the seams of coal encountered at the locations drilled.

On the evidence and professional judgement of the authors presented within the documents listed above, Environmental Health have no objection to the discharge of conditions 3,4 and 5. As condition 6 includes provision for unexpected contamination being found during construction, it and condition 7 must remain until works are completed.

Condition 9

Condition 9 (Intrusive investigations)

9. No above ground development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Condition 10

Condition 10 (Safe occupation)

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Assessment for conditions 9 & 10:

Conditions 9 and 10 relate to outstanding concerns raised by The Mining Remediation Authority (MRA) to ensure the site is safe for occupation in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the NPPF. The application has been referred to The MRA and their comments are indicated below:

'Supporting this application is a letter report from G&M Consulting dated 18th August 2023, Ref, C593/01/ATS which describes the findings of a shallow mining investigation undertaken on a site immediate adjacent to the area of the current application. This point has been acknowledged on the application form and a separate letter prepared by Geo2 Remediation Limited, who commissioned the earlier investigation, accompanies the submission dated 19th February 2025, Ref. 25.1407.2.1. The later was provided to ensure Geo2 were satisfied that the work undertaken by G&M Consulting remained valid for the current site and they confirm this is the case:

Geo2 consider that the conclusions of each of the reports issued in 2023 remain appropriate to inform a planning assessment.'

Geo2 recommend that: 'a watching brief is maintained during the development work, and that all surfaces exposed during construction of the foundations or areas external to the new build, are examined by a suitably qualified person, for evidence of such activity.' that activity being recorded open casting which is recorded in proximity of the site. In the case that such evidence is found within influencing distance of the foundations the advice of geotechnical specialists must be sought.

In respect to the risk posed from shallow mining, we note that the G&M Consulting report following drilling of the site confirmed that: 'No evidence of voided or soft strata, broken ground or loss of flush was noted during the drilling of the boreholes... Based on the evidence of the two boreholes drilled it does not appear that the site is adversely affected by shallow mine workings within the seams of coal encountered at the locations drilled.'

The Mining Remediation Authority have confirmed, the applicant has, in respect of mining instability, satisfactorily demonstrated compliance with both Condition 9 and 10. Subject to the development being carried out in accordance with the detail approved the conditions can be discharged.

Decision Notice Text:

The application is accompanied by the following reports:

- Phase I Preliminary Risk Assessment by Geo2,, ref: 23/1407.1.1 •*
- Supporting Information Planning Application for land at the Thorncliffe Farm Shop, ref:25.1407.2.1*
- G&M Consulting. Shallow Mining Investigation, dated 18th August 2023. Ref C593/01/ATS.*

The details submitted have been reviewed by KC Environmental Health and The Mining Remediation Authority and address outstanding matters in Conditions 3, 4, 5, 6, 7, 9 and 10.

The details are considered satisfactory for discharging conditions 3, 4, 5, 9 and 10.

As condition 6 includes provision for unexpected contamination being found during construction, this and condition 7 must remain until works are completed.

