

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:	2025/44/90695/W
Site Address:	former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP
Description:	Discharge of details reserved by condition 13 (Remediation Strategy) of previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for Social Emotional and Mental Health School (class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development
Recommending Officer:	Katie Chew

DECISION – Discharge of Condition – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 01/08/2025

Application: 2025/90695

Application Site: Former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP

Proposal: Discharge of details reserved by condition 13 (Remediation Strategy) of previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for Social Emotional and Mental Health School (class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development.

Assessment

Condition 13 (Remediation Strategy)

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report reference HSP2023-C4164- G-GPII-1222, 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 Chapter 15 of the National Planning Policy Framework.*

In support of condition 13, the following document has been submitted:

- Remediation Strategy and Verification Plan, authored by IDOM, Ref: RSVP-25049-25-94 Rev B, dated 28/05/2025, received 28/05/2025.

The submitted document still refers to "Rev A" on its front cover, however the second page confirms that it is Rev B, dated 28/05/2025.

KC Environmental Health provided the initial response below in their consultation dated 07/04/2025:

Condition 13 - Remediation Strategy

A Remediation Strategy and Verification Plan by IDOM (March 2025, RSVP-25049-25-94) has been received in support of the application to discharge Condition 13. 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 read the report provided and require clarification. Remediation is required at the site due to the presence of elevated concentrations of lead, several polycyclic aromatic hydrocarbons (PAHs), and asbestos. The first option proposed by IDOM is the removal

of made ground down to the natural subsoil, visual inspection and testing, followed with the placement of imported material. The second option is to reduce site levels to accommodate clean cover systems of varying depths that sometimes include a geotextile separator, and use clean site won or imported material to make up minimum depths of 300 -1000mm of soil (or minimum depth specified by landscape architect). These vary by land use and planting scheme.

We do not accept the report for the reasons provided below:

- 1. In Section 6.2.2 of the report, IDOM refer to site won made ground as 'unsuitable for reuse'. The reuse of site won soils is referred to in the text (e.g. Table 6). This is unclear and requires further comment.*
- 2. In Table 6, two proposals are given based on land use/planting scheme. These include visual inspection of natural formation subsoils at one sample per 250m³. How has this sampling frequency been derived?*
- 3. Again, in Table 6, varying depths of clean cover are referred to (300mm-1000mm) with the addition of 'or minimum depth specified by landscape architect'. The report does not appear to provide additional commentary as to how these depths have been settled on and the risk to human health. The same can be said for the placement of a geotextile membrane that has been proposed for some land uses. This needs to be addressed and we expect a revised conceptual site model to be provided in accordance with good practice guidance.*
- 4. In Section 9 of the report, the proposals for the validation of clean cover is provided. Specifically in Section 9.1.3 of the report they do not appear to align with the testing frequency specified in YALPAG Guidance - Verification requirements for cover systems (version 4.1, June 2021). We expect these to be in alignment with good practice guidance.*
- 5. We require clarification in relation to the existing woodland soils where in Table 6 it reads:*

'Quality of existing soils unknown and is identified as a potential constraint to remediation if needed given root protection requirements – assess existing upper 100 mm of soils @ one sample per 250 m² against chemical acceptance criteria and undertake risk assessment.'

Recommendations

Condition 13- Remediation Strategy

We do not accept the Remediation Strategy and Verification Plan by IDOM (March 2025, RSVP-25049-25-94) and require additional information. For these reasons, Condition 13 must remain until further notice.

Following receipt of the above comments the applicant submitted a revised Remediation Strategy and Verification Plan. KC Environmental Health provided further comments on 20/05/2025 stating:

Further to our comments dated 7 April 2025 (Ref: WK/202507975), we have reviewed the revised Remediation Strategy and Verification Plan prepared by IDOM (dated 15 April 2025, Ref: RSVP-25049-25-94 Rev A). The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response therefore only relates to the land contamination aspect of the report.

The updated report builds upon previous assessments and incorporates supplementary ground investigation, soil chemical analysis, and ground gas monitoring undertaken by IDOM in March 2025. The investigation identified elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) and asbestos (quantified at 0.008% w/w). Ground gas monitoring confirmed a Characteristic Situation 1 (CS1), indicating low risk from hazardous ground gases.

The remediation proposals remain largely unchanged from the earlier version. Two options are presented in Table 6:

- Option 1: Full removal of contaminated made ground to natural subsoils, followed by verification testing and reinstatement with imported clean material.*
- Option 2: Reduced level excavation and installation of a clean cover system.*

Clean cover depths are specified in the report according to land use, ranging from 300 mm for to 1000 mm. The strategy also includes an asbestos management plan and outlines validation protocols for imported soils in accordance with YALPAG guidance. A verification report is to be submitted post-remediation to confirm remediation has been undertaken in accordance with the proposals.

Comments

We have considered the report provided. Based on the findings and recommendations in the revised strategy, we support Option 1 from Table 6 only. That is, the full removal of made ground to natural subsoils and additional verification testing to confirm the absence of elevated contaminants, followed by the placement of imported clean material proven suitable for use.

This is because the investigation identified widespread contamination (PAHs, lead, asbestos, coal tar), and the remediation proposals appear to be focused on more on landscaping rather than human health. We consider there to be insufficient clarity on access controls to areas or exposure pathways for food grown on site, and Option 2 lacks full justification - particularly concerning given the sensitive school setting.

In line with LCRM guidance, a remediation options appraisal should culminate in the selection of a final, fully justified remediation strategy.

Before discharging this condition, we recommend that the planning officer seeks written confirmation of the final remediation option selected by IDOM and considers our comments outlined above.

Following receipt of the above comments, the applicant's agent provided a further revision to the Remediation Strategy and Verification Plan. In response, final comments were received from KC Environmental Health on 30/07/2025 as follows:

Condition 13 - Remediation Strategy

Further to our comments dated 20th May 2025 (Ref: WK/202512090), we have reviewed the revised Remediation Strategy and Verification Plan prepared by Merebrook (dated 28th May 2025, Ref: RSVP-25049-25-94 Rev B). The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response therefore only relates to the land contamination aspect of the report.

There have been changes to Table 6 of the report. Clean cover depths are specified in the report according to land use, ranging from 450 mm to 1000 mm and the inclusion of a geotextile membrane. The strategy also includes an asbestos management plan and outlines validation protocols for imported soils in accordance with YALPAG guidance. A verification report is to be submitted post-remediation to confirm remediation has been undertaken in accordance with the proposals. We accept the report provided.

Recommendations

Condition 13 - Remediation Strategy

We accept the report provided. Based on the professional judgement of the report authors and the evidence and interpretations presented in the document received, we can confirm that we have no objection to the discharge of Condition 13.

Given the above assessment, it is recommended that an approval be issued pursuant to condition 13. Condition 13 has no ongoing requirement and therefore may be discharged in full. Notwithstanding this, the conclusion of condition 13 activates the requirements of conditions 14 (Remediation of the site) and 15 (Verification Report). It is recommended that a reminder of this be included in the council's decision notice.

Recommendation: Approve details.

Report Dated: 31/07/2025.

Recommended Decision Notice Text

Condition 13: Remediation Strategy

Pursuant to condition 13, you have submitted:

- Remediation Strategy and Verification Plan, authored by IDOM, Ref: RSVP-25049-25-94 Rev B, dated 28/05/2025, received 28/05/2025.

The submitted information is considered to be sufficient for the purposes of condition 13, and is hereby approved. As condition 13 has no further requirements, it is hereby discharged in full.

Notwithstanding the above, the conclusion of condition 13 activates the requirements of conditions 14 and 15, which are repeated below for convenience:

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 Chapter 15 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 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification 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 Chapter 15 of the National Planning Policy Framework.