

**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:	2025/44/91171/E
Site Address:	Land at, Owl Lane, Chidswell, Dewsbury
Description:	Discharge of condition 23 (Validation Report) of previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping and associated infrastructure
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.

Nick Hirst

AUTHORISED OFFICER

Date: 27-May-2025

Officer Report

Application: 2025/91171

Application Site: Land at, Owl Lane, Chidswell, Dewsbury

Proposal: Discharge of condition 23 (Validation Report) of previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping and associated infrastructure.

Assessment:

Condition 23 (Validation Report)

23. 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. Where validation has been submitted and approved in phases for different areas of the site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.*

The applicant has submitted the following documents pursuant to Condition 23:

- SR3786-VE-P2 VALIDATION REPORT, Final, authored by Sirius Remediation Ltd, dated October 2023, received 29/04/2025.
- SR3943-VR VALIDATION REPORT, Final, authored by Sirius Remediation Ltd, dated March 2022, received 29/04/2025.

This condition has been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 27/05/2025:

The following documents have been received in support of the application to discharge Condition 23:

1. *Validation Report for Remediation and Preparatory Works: Plots 1 to 133 and 223 to 260 (March 2022, SR3943-VR)*

1. *Validation Report for Remediation and Preparatory Works: Phase 2 (October 2023, SR3786-VR-P2)*

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 reports primarily describe the remediation and preparatory works undertaken at the site, including the excavation and relocation of asbestos-contaminated soils and the removal of shallow coal from garden areas to public open space. Both reports acknowledge that further work is required, including the placement and validation of clean cover in public open space.

While the reports are acknowledged, the full scope of the agreed remediation strategy must be evidenced before Condition 23 can be discharged. This includes confirmation of the placement and validation of clean soils in both gardens and public open space, as well as evidence of the removal of contaminated materials off-site, details which appear to be absent from the submitted reports.

Recommendations

Condition 23 – Validation Report

At this stage, there is insufficient information to recommend the discharge of Condition 23.

Taking the above assessment into consideration, Officers concur with the conclusion drawn by KC ENVH and recommend that Condition 23 is not discharged at this time.

Recommendation: Refuse.

Report Dated: 27/05/2025.

Recommended Decision Notice Text

Condition 23 (Validation Report)

Pursuant to Condition 23, you have submitted:

- SR3786-VE-P2 VALIDATION REPORT, Final, authored by Sirius Remediation Ltd, dated October 2023, received 29/04/2025.
- SR3943-VR VALIDATION REPORT, Final, authored by Sirius Remediation Ltd, dated March 2022, received 29/04/2025.

The submitted information is not considered to be sufficient or meet all of the requirements to discharge Condition 23, and therefore Condition 23 cannot be discharged at this time.

For further information please see the KC Environmental Health (ENVH) response dated 27/05/2025.