

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:	2025/44/92075/E
Site Address:	land at, St Luke's, Bierley Marsh, East Bierley, BD4 6PL
Description:	Discharge of details reserved by condition 10 (Remediation Strategy) on previous permission 2024/93227 for variation condition 2 (plans) on previous permission 2020/94345 (APP/Z4718/W/21/3289729) for erection of 5 dwellings
Recommending Officer:	Nicole Helliwell

DECISION – DISCHARGE OF CONDITION

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Feb-2026

Officer Report

Reference No. 2025/44/92075/E

Site Address: land at, St Luke's, Bierley Marsh, East Bierley, BD4 6PL

Proposal: Discharge of details reserved by condition 10 (Remediation Strategy) on previous permission 2024/93227 for variation condition 2 (plans) on previous permission 2020/94345 (APP/Z4718/W/21/3289729) for erection of 5 dwellings

Assessment

Condition 10 – Remediation Strategy

10) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, further groundworks shall not commence until a Remediation Strategy 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.*

Assessment of Condition 10

A Contamination Remediation Statement by ARP Geotechnical LTD (dated 16th September 2024, reference no. ODL/01/rem1) and email from ARP Geotechnical LTD (dated 17th July 2025) have been received in support of the Condition 10. Further to KC Environmental Health's comments and recommendations for application 2024/93226, an email has been submitted by the applicant's contaminated land consultant, ARP Geotechnical LTD (dated 17th July 2025). The consultant has addressed the earlier queries by KC Environmental Health. Officers anticipate any future validation report to fully evidence the remediation plan, including the clarified details within the email.

Based on the professional judgement of ARP Associates, in the email and the earlier commented upon Contamination Remediation Statement, KC Environmental Health have no objection to the discharge of Condition 10.

Decision Notice Text

Condition 10 – Remediation Strategy

The following information has been submitted:

- Contamination Remediation Statement by ARP Geotechnical LTD (dated 16th September 2024, reference no. ODL/01/rem1)
- Email from ARP Geotechnical LTD (dated 17th July 2025)

In conclusion, the submitted details are considered acceptable for the purposes of Condition 10 and therefore the condition can be discharged. Officers anticipate any future validation report to fully evidence the remediation plan,

including the clarified details within the email. Where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner.