

William Simcock
Planning Services
Kirklees Council
PO Box B93
Civic Centre III
Market Street
Huddersfield
HD1 2JR

Date: 1 July 2025

Our ref: 62129/03/CD/KJ/33912622v1

Dear William

Application to Discharge Conditions 9 and 18 of Planning Permission 2024/91591 at Land off Bankwood Way, Birstall Retail Park

On behalf of our client, Lidl GB Limited ("Lidl"), we are pleased to provide details to address the requirements of planning conditions 9 and 18 pursuant to planning permission 2024/91591 at Land off Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT.

Application Submission

The application has been submitted via the Planning Portal (reference: PP-14121543) and comprises this covering letter and the following documents:

- Completed application form

Condition 9

- Approval in Principle for Design of Proposed Modifications to Existing Embankment Supporting Woodhead Road (rev B)
- Site Layout Proposed Utilities 24185-SDS-00-SL-DR-C-3023 Rev T3
- Site Layout Vehicle Restraint System to Woodhead Road 24185-SDS-00-SL-DR-C-3030 Rev T2
- Home Bargains Site Proposed Plan & Site Sections 24185-SDS-00-XX-DR-C-3050 Rev T1

Condition 18

- Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DR-C-3019-T3)
- Supplementary Coal Mining Investigation (Ref. C8781/AW/9824 dated March 2022)
- Strategy for Remedial and Preparatory Works (Ref. C8781/RS, dated May 2022)
- Hazardous Ground Gas Risk Assessment (Ref. C8781/MB/9853 dated May 2022)

- Specification for the Drilling and Grouting of Shallow Mine Workings (Ref. SDL4050, dated May 2022)
- Combined Remediation Strategy, Drilling & Grouting Plan (Report No: 1080.07.02 dated May 2024)

Application Context

On 21st November 2023, detailed planning permission was granted for the “*Erection of retail development, associated parking, servicing areas and landscaping*” (ref: 2021/62/92528/E).

Following the grant of planning permission, it was established that there were a number of discrepancies in the decision notice to plan and document references listed in conditions and the plans schedule. These discrepancies were where the decision notice referred to earlier versions of plans or documents, which were subsequently updated to reflect consultee comments. A non-material amendment application was approved on 29th April 2024 to amend the decision notice and correct the plan references (ref: 2024/NMA/90400/E).

A Section 73 application was approved in May 2025 to make minor amendments (ref: 2024/91591), principally to bring the approved scheme in line with Lidl’s latest specification and extend the red line boundary from 1.53 ha to approximately 1.57 ha to align the red line boundary with the title plan. This application reflects the condition numbering approved under the S73.

A discharge of conditions application was submitted in October 2024 to discharge conditions 9 (retaining walls), 17 (Phase II Report), 18 (remediation), 21 (coal mining), 23 (charging facilities), 24 (facing materials) and 27 (construction management plan) of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping (ref: 2024/44/92949/E). A split decision was issued with further information needed to discharge conditions 9 and 18. This application seeks to discharge the remaining pre-commencement conditions 9 and 18.

Condition 9 – Retaining Walls

Condition 9 states:

“9. Prior to any development commencing, the detailed design of retaining walls adjacent to highways shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location of the walls, and cross-sectional information together with details of their design and construction. The retaining walls shall be constructed in accordance with the approved details thereafter.”

An amended Agreement in Principle application was made to Highways Structures in May 2025. Highways Structures commented in June 2025 that condition 9 could not be discharged pending the satisfactory conclusion of the technical approval process for the proposed modifications to the existing embankment supporting Woodhead Road.

The accompanying plans provide the detailed design of retaining walls. A retaining wall 1.2m in height will be positioned to the far south-west and south-east boundaries, with a 1m retaining wall to the south, immediately behind the Lidl foodstore. The AIP confirms the following changes:

- Regraded slope partially supported by gabion Retaining Wall at lower level.
- Lower Level Retaining Wall outside the zone of road traffic loading influence.
- Vehicle Restraint Barrier to the top of the slope next to exiting highway (c. 47m in length).
- Min. 1.15 m high Pedestrian Parapet Guardrail installed to top of Gabion Retaining Wall.

It is considered that condition 9 can now be fully discharged.

Condition 18 - Site Remediation

Condition 18 states:

“Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17, 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.”

A Combined Remediation Strategy, Drilling & Grouting Plan has been prepared by Remada which should be read in conjunction with the Geotechnical Assessment of Proposed Ground Improvement Works letter report, completed by GB Card and Partners Ltd on behalf of Beam Consulting. An additional verification report detailing the installation of gas protection measures will be required as construction of the buildings are completed.

The Environmental Health Officer requested additional clarification in order to discharge the condition. In response, the Remada Remediation Statement which supersedes the Sirius one, does not propose turnover of the landfill but does state that obstructions to proposed foundations are to be removed.

The updated gas risk assessment will capture worst-case scenarios and will be shared with and approved by the LPA before construction begins, to ensure the site's safe occupation. A minimum of three 3 No. ground gas monitoring wells are to be installed within each proposed building footprint to a depth of 5m below the proposed formation level. The concentrations of methane, carbon dioxide, oxygen and the gas flow rate are to be measured at each well for a minimum of four (4 No.) monitoring events over a four-week period during periods of low and high atmospheric pressure. The four-week period of gas monitoring will be extended if the is not a sufficient range of atmospheric pressure. The results of the ground gas monitoring will form an updated Ground Gas Risk Assessment and confirm the extent of ground gas protection measures prior to construction of the buildings.

The remediation strategy has been updated to acknowledge that the updated Ground Gas Risk assessment should be shared and agreed with the LPA before construction begins, as part of the remediation process to ensure the safe occupation of the site.

Condition 18 can therefore be discharged.

Summary

I trust you have sufficient information to validate this application, and to fully discharge conditions 9 and 18 at Land at Bankwood Way, Birstall. In the meantime, should you wish to discuss the application, or require further information, please contact me on the number above.

Yours sincerely

Lucy Sime

Senior Planner

BA (Hons) MSc MRTPI