

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:	2025/44/92088/E
Site Address:	Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT
Description:	Discharge of details reserved by conditions 9 (retaining walls) and 18 (Remediation Strategy) on previous permission 2024/91591 for variation of conditions 2-6, 15 and 29 of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Split Decision

I hereby authorise the Split Decision 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: 16-Jun-2026

Application: 2025/92088

Site: Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT

Proposal: Discharge of details reserved by conditions 9 (retaining walls), 18 (Remediation Strategy) on previous permission 2024/91591 for variation of conditions 2-6, 15 and 29 of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping.

Assessment

Condition 9 (retaining walls)

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.

Reason: *In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased risks to highway safety and adverse impacts upon the highway network are submitted and approved at an appropriate stage of the development process.*

The following documents were supplied with the original submission:

- Covering letter, reference 62129/03/CD/KJ/33912622 v1;
- Approval in Principle for Design of Proposed Modifications to Existing Embankment Supporting Woodhead Road reference (rev B);
- 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.

The Site Layout Vehicle Restraint System drawing was subsequently superseded by Rev T3 and the Home Bargains Site Proposed Plan & Site Sections drawing by Rev T2, both submitted 19/12/2025.

The covering letter also refers to a plan titled Site Layout Proposed Utilities 24185-SDS-00-SL-DR-C-3023 Rev T3, but in fact this is not to be found among the submitted documents. A drawing issue sheet by SDS Design Engineers was also submitted, but since it refers to drawings that do not form part of the present submission, or have different revision numbers, it will be disregarded in the assessment of this application. In short, only those plans submitted for this application will be treated as relevant.

KC Highways Structures comments (24/10/2025) advised that, in addition to the above submitted drawings and AIP, a satisfactory set of "As Built" drawings

and a Construction Compliance Certificate would need to be submitted before discharge of condition could be supported.

After this, a set of “As Built” drawings were supplied (28/01/2026) by the applicant, with the following references:

- 25289-SDS-00-SL-DR-C-3020 Rev AB1
- 25289-SDS-00-SL-DR-C-3021 Rev AB1
- 25289-SDS-00-SL-DR-C-3032 Rev AB1
- 25289-SDS-00-SL-DR-C-3030 Rev AB1
- 25289-SDS-00-XX-DR-C-3050 Rev AB1
- 25289-SDS-00-XX-DR-C-3051 Rev AB1
- 25289-SDS-00-XX-DR-C-3052 Rev AB1
- 25289-SDS-00-XX-DR-C-3053 Rev AB1
- 25289-SDS-00-XX-DR-C-3054 Rev AB1
- 25289-SDS-00-XX-DR-C-3055 Rev AB1
- 25289-SDS-00-XX-DR-C-3056 Rev AB1

Subsequently, KC Highway Structures confirmed in correspondence with the case officer that AIPs had been obtained for both sets of retaining structures. The only AIP related documents submitted with this application relate to the modifications to the existing embankment. However, a copy of the other, related AIP – document titled Private Reinforced Concrete Contiguous Pile Burr Wall Supporting Woodhead Road Adjacent to New Lidl Store, Birstall, structure reference K61069, approval dated 17/08/2022 – was subsequently forwarded to the case officer by KC Highways Structures. Whilst this should have been included in the original submission for the sake of clarity and completeness, officers are now satisfied that Approval In Principle has been obtained for all applicable structures on site.

KC Highways Structures confirmed in their comments of 15/06/2026 that the condition can be discharged and have subsequently confirmed that a Construction Compliance Certificate is not necessary in this instance. Officers concur with this view, and it is recommended that the details submitted are approved. Since the retaining structures in question have now been built, all parts of the condition have been complied with. Condition 9 is therefore recommended to be discharged in full.

Condition 18 (remediation strategy)

18. 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

The following documents were submitted with the initial application:

- Supplementary Coal Mining Investigation (Ref. C8781/AW/9824 dated March 2022) by Sirius;
- Strategy for Remedial and Preparatory Works (Ref. C8781/RS, dated May 2022) by Sirius;
- Hazardous Ground Gas Risk Assessment (Ref. C8781/MB/9853 dated May 2022) by Sirius;
- Specification for the Drilling and Grouting of Shallow Mine Workings (Ref. SDL4050, dated May 2022) by Sirius;
- Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DR-C-3019-T3) (drawing by SDS Design Engineers);
- Combined Remediation Strategy, Drilling & Grouting Plan (Report No: 1080.07.02 dated May 2024) by Remada.

Initial comments by KC Environmental Health (26/09/2025) are as follows:

In our response to 2024/92949 (February 2024, reference: WK/202502506) we commented on a Combined Remediation Strategy, Drilling & Grouting Plan authored by Remada Geo Consultants (January 2025, 1080.07.03). The report includes geotechnical information, which is outside the remit of Environmental Health. Therefore, this consultation response only relates to the land contamination aspects of the report. We raised several points that require clarification back in February 2025. These are repeated below:

1. 'The report states that 'This Remediation Strategy has not proposed turnover of the landfill but does state that obstructions to proposed foundations are to be removed.' This is somewhat unclear and contradictory to Section 5.5 of the Sirius report, which specifies, 'a minimum 2m turnover of made ground (from existing or proposed levels, whichever is the deepest) should be undertaken in order to identify remaining obstructions.' Can the applicant confirm whether any landfill-made ground will be turned over as part of the proposals.

2. We note the post-remediation gas monitoring, specified in Section 6.9 of the report. The report states: '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 results of the ground gas monitoring will form an updated Ground Gas Risk Assessment and to confirm the extent of ground gas protection measure prior to construction of the buildings.'

We welcome post-remediation monitoring as part of this permission. We expect the monitoring period to capture worst-case scenarios, and it may be that this needs to be extended to characterise the ground gas regime post-remediation. All monitoring must be undertaken in accordance with good practice guidance.

3. In continuation of the above, we expect the remediation strategy 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.

4. Lastly, we acknowledge that, in Section 4.14 of the report, the consultants state that building gas alarms will be incorporated within the buildings on site. Details of the alarms will be provided separately. We expect this to consider good practice guidance and expect the information to be received as part of Condition 18. ‘

We did not accept the report as we required clarification on these points. For the current application, the same report appears to have been received. Therefore, our previous comments and recommendations still stand.

In response, the developer submitted the following additional documents:

- Letter Ref: 62129/03/CD/KJ/33912622v1, dated 21st July 2025, prepared by Lichfields
- A letter by Remada, dated 13/10/2025, with supporting photographs;
- A report titled Post Remediation Ground Gas Assessment, Lidl Birstall, West Yorkshire, reference 1080.04.01, also by Remada, dated 24/02/2026.

Updated KC Environmental Health comments were provided 08/06/2026:

The applicant has now submitted:

- Letter Ref: 62129/03/CD/KJ/33912622v1, dated 1st¹ July 2025, prepared by Lichfields
- Letter responding to consultation response reference WK/202523429 entitled Condition No. 18 "Remediation Strategy" WK/202523429", Ref: 1080.09.01, dated 13th October 2025, prepared by Remada Ltd, and;
- Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026, prepared by Remada Ltd.

The letter dated 1st July 2025, prepared by Lichfields confirms that they have submitted the following documents for the purposes of discharging condition 18:

¹ Note this is a typo, with the correct date being the 21st.

“Condition 18

- *Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DRC-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)”.*

It would be helpful if the applicant’s planning agent and the contaminated land consultants discussed any application relating to contaminated land planning conditions before submission of supporting documents (in order to confirm the documentation that should be submitted) - to avoid any confusion and/or the submission of incorrect information or outdated reports being submitted to the LPA. For example, the Remada letter dated 13th October 2025 and the Lichfields letter dated 1st July 2025 contradict one another, in that, the Remada letter dated states that “Remada’s Remediation Strategy supersedes the Sirius Remediation Strategy and hence there should be no references to it”, yet the planning agents have again submitted the Sirius Remediation Strategy with this DoC application. This is unhelpful and has resulted in Environmental Health requesting further clarity.

The letter “Condition No. 18 "Remediation Strategy" WK/202523429”, Ref: 1080.09.01, dated 13th October 2025 provides a response to the outstanding points 1-4 detailed in our previous responses Ref:WK/202502506 and WK/202523429 dated February and September 2025 respectively.

The Remada letter dated 13th October 2025 clarifies that: “This Remediation Strategy has not proposed turnover of the landfill but does state that obstructions to proposed foundations are to be removed”.

The updated Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants further clarifies in Section 1.5.1 that:

“Further advice should also be sought if ground obstructions such as foundations, further basements etc associated with the former buildings and other structures on-site are encountered during the preparatory works; such obstructions might necessitate revised foundation design. Any grubbed-out ground obstructions will need to be replaced with suitably compacted fill material such as 6F2 to an engineered specification”.

Section 4 of the above report presents the Remediation Outline Method Statement. The section begins by stating that a summary of remediation activities with cognisance to the proposed site layout is shown in Figure 1. Figure 1 is Drawing "1080.07 Fig1", this drawing states that there will be a Site-wide turnover to 1.5m bgl, again contradicting previous information.

This section summarises the Remediation proposals as follows:

Section 4.2 "Remediation Formation Level" confirms that: "All brick and concrete rubble, ground floor concrete slabs and building foundations are to be excavated and crushed to produce 6F2 material to be used to achieve formation levels or stockpiled for later use in construction by Lidl".

Section 4.6 "Foundations and Ground Improvements" of the report states:

"Ground improvement will be undertaken in accordance with SDS Ground Improvement Plan (drawing ref. 22254-3010-T1, included as Appendix C). The works are summarised below:

- Vibro stone columns underneath building footprints to achieve the minimum bearing capacity specified by the engineer, currently 150kPa; and
- Construction of the capping layer will be undertaken as indicated on the SDS Ground Improvement Plan (Appendix C) as a 450mm layer across the site. The piling mat will be constructed as per the contractor's requirements, which are to be confirmed.

The construction of reinforced raft foundations would provide protection against potential differential settlement".

Section 4.10 "Post Remediation Constraints" outlines the gas protection options available to the site, and directs that drawings at Appendix D and E detail the gas membrane installation:

"Passive Sub-floor Dispersal Layer Details of the Passive Sub-floor Dispersal Layer are presented in the Structural Engineer's Drawing 24185-SDS-00-FP-DR-S-3400-T4 at Appendix D. The drawing specifies a Cordon EPS Total Gas Barrier with Cordon Vent and Pipe Box beneath the foundation. Cordon Product details are presented at Appendix E".

"Membrane Installation

Details of the membrane installation beneath the raft foundation are presented in the Structural Engineer's Drawings 24185-SDS-00-FP-DR-S-3401-T3, 3402-T2 and 3403-T3 at Appendix D. In general, the membrane should be installed in accordance with the manufacturer's

instructions and as per the Engineer's detail and construction drawings:

- *Capable after installation, of providing a complete barrier to the entry of the relevant gas; and*
- *Gas Barrier to be installed in accordance with the manufacturer's instructions and Engineer's drawings,*
- *Underlying damp membrane or formation to be free of detritus prior to laying the gas barrier*
- *Barrier sheets to overlap by not less than the width of the joint tape.*
- *Double sided joint tape to be used.*
- *All tears and punctures to be repaired using double sided joint tape and off-cut membrane.*
- *All service entries to be sealed as 'top-hat' details to prevent gas ingress"*

Building Gas Alarms

"Details are of an appropriate system are to be proposed by a fire and gas alarm specialist and separately submitted the Local Authority for approval".

We acknowledge this proposal and request that this is submitted alongside, accompanying the remediation strategy to ensure it can be considered in support of the strategy as a whole. Section 5 "Mine Workings" presents summaries of the borehole records detailed in the Delta Simons and Curtins reports and confirms the drilling and grouting proposals.

Section 6 "Monitoring and Verification Plan" confirms that photographic records, materials handling records, drilling and grouting records, landscaping, cover and capping records, sampling & analysis, waste and any unforeseen contamination details and gas membrane installation and testing will be consolidated as evidence and incorporated into a Verification Report for submission to the Local Planning Authority.

The Post Remediation Ground Gas Assessment, letter Ref: 1080.04.01, dated 24th February 2026, authored by Remada Geo Consultants states that: "This letter provides an addendum to Remada's Verification Report 1080.08.01". However, to date, Verification Report 1080.08.01 has not been submitted as supporting information with application 2025/92088, reaffirming the need for discussions between the contaminated land consultants and the agent in relation to the submission of relevant information.

The letter goes on to summarise, outlining that:

- *previous gas designations have varied between reports between CS2-CS4, and*

- confirms Remada's plan to cut and fill levels across the site (cut of up to 3m will be formed in the west of the site whilst the eastern half of the site will be raised by up to 2.4m).

The letter then goes on to detail the Post Remediation Ground Gas Monitoring, however, condition 18 has not yet been agreed – Condition 18 states that:

18. 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 remediation strategy has not yet been agreed, and a timetable has never been provided.

Therefore, it is not clear if the Post Remediation Ground Gas Monitoring is indeed post remediation, or a re-assessment of the gas regime (as detailed in section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan)?

The letter confirms that:

"6 boreholes were drilled, and 4 ground gas monitoring visits were undertaken at one weekly intervals over a four-week period".

Section 4 outlines ground conditions:

"Boreholes BH1 to BH3 were advanced to a maximum depth of 5.0m bgl and were found to comprise Made Ground of a granular nature in BH1 only, to 0.8m bgl. This was overlaying cohesive Made Ground, similar to the Made Ground encountered from ground level in BH2 and BH3. The Made Ground was encountered to a maximum depth of 2.8m which overlay CLAY and local SAND. Black COAL was encountered within BH3 only between 3 and 4m.

Boreholes BH4 to BH6 encountered a gravelly clayey sand and locally a sandy gravelly clay in BH6 only. All three boreholes were terminated at 1.0m bgl due to refusal of the liner during the drilling process".

It is not clear what the term "liner" is referring to in this instance – the drawings appended to the reports refer to grouting, capping layers, piling mats, and gas membranes, but do not annotate a "liner", and in accordance with condition 18, until the remediation strategy has been agreed, further groundworks cannot proceed.

Section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants report states that:

“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 results of the ground gas monitoring will form an updated Ground Gas Risk Assessment and to confirm the extent of ground gas protection measure prior to construction of the buildings”.

However, the depths of the pipe where monitoring was undertaken were 2.29m (BH1), 1.85m (BH2), 4.16m (BH3), 1.37m (BH4), 1.27m (BH5) and 1.36m (BH6). It is not clear if this ground monitoring is what is referred to in section 6.9 – “an updated Ground Gas Risk Assessment”, or if it is Post Remediation Ground Gas Monitoring. Can this be clarified? Furthermore, at such shallow depths, it is not clear what is being sampled, bearing in mind that the letter details that ground levels were raised over existing Made Ground/Waste in the zone of the proposed Lidl store in the east area of the site where BH4 to 6 were drilled.

A discussion pertinent to ground gas pathways would assist in understanding a changed ground gas regime when ground levels have changed.

The results of the ground gas monitoring are presented in the Gas & Groundwater Monitoring tables and are discussed in sections 5 and 6 of the Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter. The summary discussion detailing the gas monitoring results is missing some significant information to justify or explain the results, particularly where concerning levels of gases are presented – such as high concentrations of methane and CO (BH4), depleted levels of oxygen levels (all boreholes).

Gas flow rates are low, it is not clear why. It would assist in our understanding if a timeline cross-referencing the proposed remediation strategy (as requested by condition 18) is provided with the submitted reports.

Tables 1 & 2 in report Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026, prepared by Remada Ltd show that BH4 gives a CH₄ Steady State LEL (%) of 404.0%, 388.0%, 548.0% and 338.0% on the 12th, 19th, 26th January and 2nd February 2026. These values are not discussed within the relevant section, and it is not clear what they mean - an explanation is required.

In summary:

1. A remediation strategy has not yet been agreed, and a timetable has never been provided. The site is complex and is particularly complicated when the applicant/agent continues to submit numerous reports that are then referred to by the contaminated land consultants as “superseded”. A timeline cross referencing the proposed remediation strategy (as requested by condition 18) would assist in our understanding of the sites condition along with the relevant reports.

2. It is not clear if the submitted ground gas monitoring is what is referred to in section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, that is, providing an updated Ground Gas Risk Assessment, or if it is a Post Remediation Ground Gas Monitoring Assessment.

- Can this be clarified? If this monitoring is Post Remediation Ground Gas Monitoring, clearly condition 18 has not been complied with, and
- Was any additional ground gas monitoring undertaken in line with section 6.9 and if so, when and what were the results?

It is not clear what has happened to the site, condition 18 has remained outstanding and therefore further groundworks should not have taken place, particularly with previous reports presenting conflicting evidence of the gas regime on site.

While Ramada state that their report supersedes previous remediation strategies, until the report is agreed with the local planning authority, it cannot be actioned.

The submitted information, in terms of the reports submitted for the discharge of conditions continues to confuse the situation. The considerable number of reports referenced by the planning agent is unhelpful and the failure to submit a timeline for the site detailing what has occurred and what the current situation is on site has further muddled our understanding.

It is the responsibility of the applicant and their agents to ensure that the information submitted is clear and relevant for the purposes of this application. If the applicant or their agent continues to submit numerous reports that are not relevant or contradict the information provided by Remada, the current contaminated land consultants, Environmental Health will need to again seek further clarification.

At this stage, it is necessary to clarify the current situation on site and remind the applicant that further groundworks are not permitted.

1. Environmental Health request that a timeline detailing recent site activity cross referenced with any remediation measures already undertaken is submitted alongside the Combined Remediation Strategy,

Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants.

2. Remada need to clarify if the updated ground gas risk assessment as referenced in section 6.9 of the aforementioned remediation report is pre or post remediation?

3. Significantly more detail is required to explain the gas and groundwater results presented in the Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter – cross referencing with any remediation works that explains the changes to these results (bearing in mind – it is not clear whether or not remediation has taken place) and how any changes to the site may alter/impact the ground gas pathways on site.

RECOMMENDATION

In order for condition 18 to be discharged, we remind the applicant of the wording of condition 18:

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.

Environmental Health are not in a position to accept the submitted reports for the purposes of discharging condition 18. The condition should remain in place until further notice. Furthermore, until conditions have been discharged, NO FURTHER GROUNDWORKS SHALL BE UNDERTAKEN.

Environmental Health suggest that a letter of clarification following consultation between Remada and the planning agent is provided to clarify:

- The current state of the site (in terms of ground-works / remediation)*
- What reports are submitted specifically for the discharge of condition 18, retracting any previously submitted information that is no longer considered relevant (to prevent further confusion).*

This should be submitted along with:

- A timeline cross-referenced with the proposed remediation strategy to clarify what works if any has been undertaken already.*
- A detailed explanation accompanying the recent Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter to rationalise*
 - what has occurred on site to explain the results presented,*

- *that explains why, having confirmed that an updated assessment would sample ground gas at 5m bgl, why only shallow ground gas monitoring has occurred, and*
 - *why the shallow monitoring is considered acceptable for updating the Ground Gas Assessment?*
- *An explanation of how the proposed cut and fill may impact/alter the ground gas pathways*
 - *Details of the appropriate Building Gas Alarm system proposed by the fire and gas alarm specialist as requested.*

It is therefore recommended that the details submitted in respect of condition 18 are not approved.

Recommendation: Refuse details

Report Dated: 16/06/2026

Proposed Letter Text

Condition 9 (retaining walls)

The following documents were supplied with the original submission:

- 1) Covering letter, reference 62129/03/CD/KJ/33912622 v1, 24/07/2025;
- 1) Approval in Principle for Design of Proposed Modifications to Existing Embankment Supporting Woodhead Road reference (rev B), 24/07/2025;
- 2) Site Layout Vehicle Restraint System to Woodhead Road 24185-SDS-00-SL-DR-C-3030 Rev T3, 19/12/2025;
- 3) Home Bargains Site Proposed Plan & Site Sections 24185-SDS-00-XX-DR-C-3050 Rev T2, 19/12/2025;
- 4) A set of "as built" drawings, submitted 28/01/2026, with the following reference numbers:
 - 25289-SDS-00-SL-DR-C-3020 Rev AB1
 - 25289-SDS-00-SL-DR-C-3021 Rev AB1
 - 25289-SDS-00-SL-DR-C-3032 Rev AB1
 - 25289-SDS-00-SL-DR-C-3030 Rev AB1
 - 25289-SDS-00-XX-DR-C-3050 Rev AB1
 - 25289-SDS-00-XX-DR-C-3051 Rev AB1
 - 25289-SDS-00-XX-DR-C-3052 Rev AB1
 - 25289-SDS-00-XX-DR-C-3053 Rev AB1
 - 25289-SDS-00-XX-DR-C-3054 Rev AB1
 - 25289-SDS-00-XX-DR-C-3055 Rev AB1
 - 25289-SDS-00-XX-DR-C-3056 Rev AB1

The submitted details are satisfactory for the purpose of condition 9 and are hereby approved. Since the condition contains no ongoing requirements, it is hereby discharged.

Condition 18 (remediation strategy)

You have submitted the following documents:

- Supplementary Coal Mining Investigation (Ref. C8781/AW/9824 dated March 2022) by Sirius;
- Strategy for Remedial and Preparatory Works (Ref. C8781/RS, dated May 2022) by Sirius;
- Hazardous Ground Gas Risk Assessment (Ref. C8781/MB/9853 dated May 2022) by Sirius;
- Specification for the Drilling and Grouting of Shallow Mine Workings (Ref. SDL4050, dated May 2022) by Sirius;
- Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DR-C-3019-T3) (drawing by SDS Design Engineers);
- Combined Remediation Strategy, Drilling & Grouting Plan (Report No: 1080.07.02 dated May 2024) by Remada.
- A letter by Remada, dated 13/10/2025, with supporting photographs;
- A report titled Post Remediation Ground Gas Assessment, Lidl Birstall, West Yorkshire, reference 1080.04.01, also by Remada, dated 24/02/2026.

The above submissions are not considered acceptable for the purposes of condition 18 and are hereby refused.

I would draw your attention to the consultation response from K.C. Environmental Health dated 08/06/2026 for the full details why. This may be seen at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2025/92088&file_reference=1142967

The following is extracted from their concluding comments, for an overview of the issues outstanding:

Environmental Health are not in a position to accept the submitted reports for the purposes of discharging condition 18. The condition should remain in place until further notice. Furthermore, until conditions have been discharged, NO FURTHER GROUNDWORKS SHALL BE UNDERTAKEN.

Environmental Health suggest that a letter of clarification following consultation between Remada and the planning agent is provided to clarify:

- *The current state of the site (in terms of ground-works / remediation)*

- *What reports are submitted specifically for the discharge of condition 18, retracting any previously submitted information that is no longer considered relevant (to prevent further confusion).*

This should be submitted along with:

- *A timeline cross-referenced with the proposed remediation strategy to clarify what works if any has been undertaken already.*
- *A detailed explanation accompanying the recent Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter to rationalise*
 - *what has occurred on site to explain the results presented,*
 - *that explains why, having confirmed that an updated assessment would sample ground gas at 5m bgl, why only shallow ground gas monitoring has occurred, and*
 - *why the shallow monitoring is considered acceptable for updating the Ground Gas Assessment?*
- *An explanation of how the proposed cut and fill may impact/alter the ground gas pathways*
- *Details of the appropriate Building Gas Alarm system proposed by the fire and gas alarm specialist as requested.*

Officers would therefore advise that any ongoing groundworks must cease until the above is addressed and that this condition has been discharged.

For the avoidance of doubt the condition is not hereby discharged and a fresh Discharge of Condition application will be required to consider this matter further.