

**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:	2025/44/92451/E
Site Address:	adj, 21a, Jagger Lane, Emley Moor, Huddersfield, HD8 9SY
Description:	Discharge of details reserved by conditions 6 (Phase I Desk Study Report), 11 (intrusive site investigation on previous permission 2025/90052 for erection of detached dwelling)
Recommending Officer:	Emma Thompson

DECISION – Discharge of Conditions 6 and 11 - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 30-Mar-2026

OFFICER REPORT: 2025/92451

Application for discharge of details reserved by conditions 6 (Phase I Desk Study Report), 11 (intrusive site investigation on previous permission 2025/90052 for erection of detached dwelling

ASSESSMENT:

Condition 6

6. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been 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 paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Assessment

In support of the discharge of condition 6 a Contaminated Land Phase One Desk Study by Martin Environmental Solutions Ltd, dated April 2025 has been submitted.

The report provides a site history since 1854; it summarises earlier desk study and intrusive investigations that were undertaken some ten years ago for the development of the residential dwelling adjacent. A site walkover was undertaken on the 1st of April 2025 it confirms no signs of contamination, discoloration or olfactory evidence, dead or dying vegetation were seen during the walkover, but foundations of historic buildings were noted on site and the report author cannot fully confirm if remediation of the site to current standards, occurred during earlier development.

The report informs that earlier intrusive investigations found contaminants on site including asbestos, it also identifies possible risk from worked shallow coal. The site is in an area of coal mining legacy and a former brick works/depot. A preliminary conceptual site model is presented indicating intrusive investigation is required due to possible made ground, possible asbestos/contaminants and coal legacy/landfill, no specifics have been offered as to the nature of the intrusive investigation.

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Contaminated Land Phase One Desk Study by Martin Environmental Solutions Ltd, dated April 2025, Environmental Health have no objection to the discharge of conditions 6.

Condition 11

11. No development shall commence until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

Assessment

Although Condition 11 does not require the submission of written information it is noted that the applicant has provided a coal mining risk interpretation report for the development prepared by consultant Lyons CMC, dated 12th August 2025. This report is informed by a mining ground investigation comprising three rotary boreholes each drilled to 15m depth to intercept the coal seam (Second Brown Metal or Flockton Thick) deemed to present a possible stability risk to the site if worked.

The coal was encountered intact in all holes being described as 'dirty' by the driller, indicating a relatively poor-quality seam. Lyons CMC record that: 'No signs of underground shallow workings or unstable ground were encountered at any of the three borehole locations.' and that 'Water flush was maintained throughout drilling operations... with no signs of any geological faulting between the borehole locations'.

Lyons CMC conclude on the basis of the findings that:

'No other workable seam is anticipated below the 2nd Brown Metal seam within an influencing depth of the surface (with regard to historic mining void migration), therefore the site will be stable from the shallow mining aspect and no further associated considerations are necessary.'

The competent person reporting has concluded that no further works in relation to mining instability are required and the investigation required by Condition 11 part (a) has been undertaken. It is also noted that a Mining Remediation Authority permit was obtained (Ref. 30095) to carry out the investigation. The Mining Remediation Authority Planning Team are satisfied that the applicant has satisfactorily demonstrated full compliance with Condition 11.

Decision text:

Condition 6

Contaminated Land Phase One Desk Study by Martin Environmental Solutions Ltd, dated April 2025, has been reviewed and is considered acceptable for the purpose of discharging Condition 6.

Condition 11

The coal mining risk interpretation report for the development prepared by consultant Lyons CMC, dated 12th August 2025, satisfactorily addresses outstanding matters reserved by Condition 11 and as such can be discharged.