# 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**

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|---|---|
| **Reference No:** | 2025/44/93295/W |
| **Site Address:** | Jospeh Norton Academy, Deighton Road, Deighton, Huddersfield, HD2 1JP |
| **Description:** | Discharge of details reserved by condition 14 (Remediation Strategy) on previous permission 2025/91084 for variation of conditions 2 (Plans), 10 (Habitat Management and Monitoring Plan), 11 (Construction Environmental Management Plan), 12 (Arboricultural Method Statement) on previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for a Social Emotional and Mental Health School (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development |
| **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: 06-Jan-2026**

**Application:** 2025/93295

**Application Site:** Jospeh Norton Academy, Deighton Road, Deighton, Huddersfield, HD2 1JP.

**Proposal:** Discharge of details reserved by condition 14 (Remediation Strategy) on previous permission 2025/91084 for variation of conditions 2 (Plans), 10 (Habitat Management and Monitoring Plan), 11 (Construction Environmental Management Plan), 12 (Arboricultural Method Statement) on previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for a Social Emotional and Mental Health School (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development.

**Assessment:**

Condition 14 (Remediation Strategy)

> *14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*
> ***Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

The applicant has submitted the following document pursuant to Condition 14:

- Remediation Strategy and Verification Plan, Ref: RSVP-25049-25-94 Rev C/JNA-IDM-XX-XX-T-X-25049-RSVP-V3 authored by Merebrook Consulting, dated 01/12/2025, received 22/12/2025.
- A letter authored by Merebrook Consulting, Ref: L-25049-2.4.2-25-474-LM, dated 29/10/2025, received 01/12/2025.

The above condition has been reviewed by KC Environmental Health (ENVH) who have noted in their comments received 05/01/2026:

> *The report author describes the development and summarises previous reports listing the source, pathway, receptor links identified in the*

*intrusive investigation. The letter dated the 29th of October provides details of risk assessment of areas in the woodland vicinity, concluding that a low risk to end users has been demonstrated.*

*Section 6.2 provides information on clean cover. The landscape soils plan is presented in Appendix 2; we are informed clean cover systems overlying retained made ground layers shall incorporate a basal membrane to prevent mixing and provide a visible barrier to deter future digging. Table 6 of the report demonstrates the proposed soft landscaped areas treatment.*

*Significant site controls in relation to asbestos are listed within the report, these must be relayed to competent site staff to ensure they are fully implemented. Action to be taken in the event of unexpected contamination is listed.*

*The site does not include private residential gardens and soft landscaping is ancillary to the building and band store. Paragraph 197 of the National Planning Policy Framework informs "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner." We strongly advise the applicant/site owner to make any future users of the site of this remediation approach and protective basal membrane and the need to ensure it is not compromised by any on site activities.*

*The report goes on to list validation requirements, we anticipate a robust report being submitted to discharge condition 15 in the future when the remediation of the site is complete.*

***Recommendations***

***Condition 14 Remediation Strategy***

*Based on the professional judgement of Merebrook Consulting presented in the letter, dated 29 October 2025, ref L-25049-2.4.2-25-474-LM and the Remediation Strategy And Verification Plan by Merebrook Consulting, ref: RSVP-25049-25-94 REV C / JNA-IDM-XX-XX-T-X-25049-RSVP-V3, dated December 2025, we can confirm that we have no objection to the discharge of Condition 14. Where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner.*

Officers concur with the above assessment and recommend that the details of Condition 14 are approved. However, Condition 14 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*

It is recommended that a reminder of this be included in the Council's decision notice. Furthermore, the conclusion of condition 14 activates the requirements of condition 15 (Verification Report), which is likewise recommended to be noted on the decision notice.

**Recommendation:** Approve Details.

**Report Dated:** 06/01/2026

**Recommended Decision Notice Text**

Condition 14 (Remediation Strategy)

Pursuant to condition 14 you have submitted:

- Remediation Strategy and Verification Plan, Ref: RSVP-25049-25-94 Rev C/JNA-IDM-XX-XX-T-X-25049-RSVP-V3 authored by Merebrook Consulting, dated 01/12/2025, received 22/12/2025.
- A letter authored by Merebrook Consulting, Ref: L-25049-2.4.2-25-474-LM, dated 29/10/2025, received 01/12/2025.

The submitted information is considered to be sufficient for the purposes of condition 14 and is hereby approved. However, be aware that Condition 14 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

> *Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*

Further to the above, the conclusion of condition 14 activates the requirements of condition 15, which is repeated below for convenience:

> *15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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 Chapter 15 of the National Planning Policy Framework.*