

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:	2026/44/90506/E
Site Address:	Land off, Soothill Lane, Batley, WF17 6EY
Description:	Discharge of details reserved by condition 20 (validation) on previous permission 2022/90889 for variation of condition 8 (Highway Works) on previous permission 2020/94202 variation conditions 1, 9, 19, 28 on previous permission 2018/94189 for outline application for residential development of up to 366 dwellings with details of access points only to allow for minor changes to the red line boundary plan and minor variations to the approved southern highways access point and approved remediation strategy specifications
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Condition – Refuse

I hereby authorise the refusal 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: 09-Jul-2026

Application: 2026/90506

Site: Land off, Soothill Lane, Batley, WF17 6EY

Proposal: Discharge of details reserved by condition 20 (validation) on previous permission 2022/90889 for variation of condition 8 (Highway Works) on previous permission 2020/94202 variation conditions 1, 9, 19, 28 on previous permission 2018/94189 for outline application for residential development of up to 366 dwellings with details of access points only to allow for minor changes to the red line boundary plan and minor variations to the approved southern highways access point and approved remediation strategy specifications

Condition 20 – Validation

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority

Reason: *To ensure the safe occupation of the site, to avoid risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.*

Submitted details

The following details have been submitted in support of the application:

- Unreferenced and undated *Validation Report* prepared by Caddick Civil Engineering.
- Remedial specification report, ref: 18058/633
- Slope stability assessment, ref: 4313/2, dated February 2026

Consultation Responses

Environmental Health stated the following, in their comments dated 30/03/2026:

The applicant has submitted a Slope Stability Review & Assessment Ref: 4313/2, dated February 2026, prepared by Lithos Consulting Ltd. The report outlines its purpose, stating it provides a:

Review of an existing slope stability assessment, supplemented by an intrusive ground investigation with geotechnical testing, and a 'revised' slope stability assessment (taking account of ground conditions and geotechnical test results) for land off Soothill Lane in Batley, Kirklees, West Yorkshire.

An existing slope (a post-glacial landform formed of drift soils and bedrock) has been regraded and 'steepened' as part of a wider residential development. The slope crest is to the rear of plots 68 to 74; the toe is to the rear of Plots 234 to 254; the slope face is occupied by an area of POS, including an outdoor play area, and a below ground surface water attenuation tank.

This is not a contaminated validation report, which is what Environmental Health were anticipating from a submission for the discharge of condition 20 above. There appears to be some confusion regarding what should be submitted for the purposes of discharging this condition.

The applicant or their agent are advised to review the Remedial Strategy, carried out by Groundtech Consulting, dated 01st October 2019 (18058/633 revision 1.3) approved in accordance with 2018/94189, particularly the recommendations for remediation – this section should outline the proposed remediation recommendations and advise what information/data is required to be recorded and submitted to the local planning authority as a Validation Report. Alternatively, the applicant or their agent could discuss the requirements of the contaminated land condition with their contaminated land consultants for clarification of what is required for the discharge of condition 20.

RECOMMENDATION

The submitted report is not a contaminated land Validation Report and therefore does not satisfy the requirements of condition 20. Environmental Health are unable to recommend the discharge of condition 20 due the reasons outlined above.

In response to the above the applicant provided further details. Environmental Health stated the following, in their updated comments dated 29/05/2026:

Further to our previous response, the applicant has now submitted an unreferenced & undated "Validation Report", prepared by Caddick Civil Engineering. This again is not a contaminated land Validation Report and therefore does not satisfy the requirements of condition 20.

As previously stated there appears to be some confusion regarding what should be submitted for the purposes of discharging this condition.

The applicant or their agent is advised to discuss the requirements of the contaminated land condition with their contaminated land consultants for clarification of what is required for the discharge of condition 20.

RECOMMENDATION

The submitted report is not a contaminated land Validation Report and therefore does not satisfy the requirements of condition 20.

Environmental Health are unable to recommend the discharge of condition 20 due the reasons outlined above.

Officer Assessment

Condition 20 requires the submission of a contaminated land Validation Report demonstrating that the remediation measures identified within the approved Remediation Strategy (or any subsequently approved revised Remediation Strategy) have been completed and verified to ensure the site is suitable for its intended use.

The applicant has submitted an unreferenced and undated document entitled *Validation Report*, prepared by Caddick Civil Engineering, in support of this discharge of condition application.

The application has been assessed by Environmental Health (Pollution and Noise Control), who have reviewed the submitted information and advise that the submitted document is not a contaminated land Validation Report and therefore does not satisfy the requirements of condition 20. Environmental Health note that there continues to be some confusion regarding the information required to discharge the condition and advise that the applicant should discuss the contaminated land condition with their contaminated land consultants to establish the information necessary to demonstrate compliance with the approved Remediation Strategy.

This follows an earlier consultation response from Environmental Health, where a Slope Stability Review and Assessment had previously been submitted in support of the application. Environmental Health similarly advised that this document addressed geotechnical slope stability matters rather than contaminated land validation and therefore did not constitute the Validation Report required by condition 20.

Having regard to the submitted information and the specialist advice received from Environmental Health, it has not been demonstrated that the remediation measures identified within the approved Remediation Strategy have been completed and validated in accordance with the requirements of Condition 20. Consequently, the Local Planning Authority cannot be satisfied that the condition has been complied with. Accordingly, condition 20 is not recommended for discharge.

Recommendation: Refuse

Report dated: 08/07/2026

Recommendation – Decision Text

Condition 20 – Validation Report

The application seeks to discharge condition 20 attached to planning permission 2022/90889.

The following details have been submitted in support of the application:

- Unreferenced and undated *Validation Report* prepared by Caddick Civil Engineering.
- Remedial specification report, ref: 18058/633
- Slope stability assessment, ref: 4313/2, dated February 2026

The submitted information has been reviewed by Environmental Health (Pollution and Noise Control), who advise that the submitted report is not a contaminated land Validation Report and therefore does not satisfy the requirements of condition 20. Environmental Health are therefore unable to recommend discharge of the condition.

The Local Planning Authority concurs with the advice of Environmental Health. The submitted information fails to demonstrate that the remediation measures identified within the approved Remediation Strategy have been completed and validated in accordance with the requirements of condition 20. As such, the Local Planning Authority is not satisfied that the condition has been complied with

For the avoidance of doubt, condition 20 is not hereby discharged.