

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:	2026/44/90952/W
Site Address:	Adjacent to, 71, Woodhead Road, Honley, Holmfirth, HD9 2RJ
Description:	Discharge of details reserved by conditions 5, (Phase I), 6 (Phase II), 7-9 (Remediation) on previous permission 2024/92297 for erection of two detached dwellings
Recommending Officer:	Emma Thompson

DECISION – DISCHARGE OF CONDITIONS – SPLIT DECISION

I hereby authorise the partial approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Jul-2026

Officer report: 2026/90952

Discharge of details reserved by conditions 5, (Phase I), 6 (Phase II), 7-9 (Remediation) on previous permission 2024/92297 for erection of two detached dwellings
Condition 5 (Phase I):

5. No groundworks (including demolition and site clearance) shall 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 198 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development. Assessment:

In support of the application a Phase I: Desktop Study & Risk Assessment Report, Reference: GES 1623-21 PI, issued in September 2021 has been submitted.

A site walkover was carried out on the 16th of September 2021; the site is described as an irregular shaped piece of land with an approximate area of 0.1 Ha. An approximate distribution of the surface covering is summarised in Table 2.1. A selection of photographs from the site walkover are presented in Appendix 2.

The site is described, with local geology and nearby borehole data provided. The site history since 1854 is presented and on-site and nearby historical industrial land uses listed in table 4.1; with two recorded historical industrial land uses noted on site. We are informed there are no tanks on site. The report identifies historic nearby landfills.

A Preliminary Conceptual Site Model is presented in Section 8 demonstrating further intrusive investigation is necessary in relation to possible contamination/made ground and ground gas.

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase I: Desktop Study & Risk Assessment Report by GeoEnviro Solutions Ltd., Reference: GES 1623-21 PI, issued in September 2021, Environmental Health have no objection to the discharge of condition 5.

Condition 6 (Phase II Intrusive Site Investigation Report):

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks including demolition and site clearance, (except those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation 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 198 of the National Planning Policy Framework. This is a pre-

commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development.

Assessment:

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase II And Updated Risk Assessment Report by GeoEnviro Solutions Ltd, ref: GES-PII 1623-21, dated November 2021, and an updated letter report with further sample information, by GeoEnviro Solutions Ltd, dated 23rd February 2026, Environmental Health have no objection to the discharge of condition 6.

Condition 7 to 9 (Remediation & Validation)

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) 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 paragraph nos. 196 and 198 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). If 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 paragraph nos. 196 and 198 of the National Planning Policy Framework.

9. 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 paragraph nos. 196 and 198 of the National Planning Policy Framework.

Assessment:

In support of the discharge of condition 6 a Phase II Updated Risk Assessment Report by GeoEnviro Solutions Ltd, ref: GES-PII 1623-21, dated November 2021, and an updated letter report with further sample information, by GeoEnviro Solutions Ltd, dated 23rd February 2026 have been submitted. The report contains geotechnical information which is beyond the remit of Environmental Health.

Fieldworks were undertaken from 13th October to 15th 2021 and included Four window sample boreholes to a nominal depth of up to 9.00 mbgl. Soil samples were removed from shallow sub surface locations, with further samples taken at observed changes in strata.

A summary of ground conditions is presented in Table 5.1 with strata comprising made ground, sandy/gravelly made ground, clays with brick and concrete fragments.

Sampling was undertaken during the original fieldworks with subsequent fieldworks and sampling in 2026. Lead and asbestos were found at location WS02, during the initial sampling program. The report author goes on to explain that the site strip has already taken place with filled materials having been removed. We are informed the area where contamination has been found *“is located within the footprint of the proposed building location. As such the pathway will be broken as end users will not be able to come into direct contact with the contamination.”* The report goes on to provide information on treatment of made ground and soft landscaped areas of the site explaining; *“a suitable thickness of material is removed from site and replaced with clean imported Topsoil. GES have been made aware of the removal of spoil and import of clean material in September 2022 in service of this following sampling of materials Typically, in situations such as this, adopting BRE: Cover Systems for Land Regeneration as the most appropriate protocol to follow would be considered acceptable. As such, a thickness of 600mm (from the final ground level) of clean imported material would be considered appropriate.”*

There is no evidence of this .

The report Author presents the results of gas monitoring at site; 4 wells were installed visited 6 times. No methane was recorded but carbon dioxide was found at a maximum of 4.1v/v. The report author uses the data to characterise the site as situation level 1.

The conceptual site model (CSM), is presented indicating low risk in relation to gas and some remediation necessary in relation to the contaminants encountered.

The supplementary letter confirms the report author has reviewed the earlier reports and undertaken further sampling in proximity to previously tested samples. They conclude that they agreed with the original report and confirm

“It is the opinion of GES that the findings of this investigation do not show a significant increase in the presence of contaminants and that the previous Conceptual Site Model and any related recommendations are unchanged from the previous investigation and the recommendations made therein should be followed.”

As such there is insufficient information to inform the suitability of imported materials that are required to provide 600mm of clean cover to all soft landscaped areas. The letter invoice from Abacus (Appendix 8), is insufficient to prove the site has been remediated.

As no Remediation Strategy has been submitted for review. Insufficient information has been provided to demonstrate adequate remediation of the site; therefore concerns remain and conditions 7-9 cannot be discharged at this time.

Decision notice text:

Condition 5 (Phase I Desk Study Report)

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase I: Desktop Study & Risk Assessment Report by GeoEnviro Solutions Ltd., Reference: GES 1623-21 PI, issued in September 2021, Environmental Health have no objections and the details address outstanding matters. Condition 5 can be discharged.

Condition 6 (Phase II Intrusive Site Investigation Report)

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase II And Updated Risk Assessment Report by GeoEnviro Solutions Ltd, ref: GES-PII 1623-21, dated November 2021, and an updated letter report with further sample information, by GeoEnviro Solutions Ltd, dated 23rd February 2026, Environmental Health have no objections and the details address outstanding matters. Condition 6 can be discharged.

Condition 7-9 Remediation and Validation

No Remediation Strategy has been submitted for review. Insufficient information has been provided to demonstrate remediation of the site and therefore concerns remain; Conditions 7-9 cannot be discharged at this time.