

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:	2026/44/91632/W
Site Address:	adj, 6, Rowley Hill, Lepton, Huddersfield, HD8 0JF
Description:	Discharge of details reserved by conditions 4 (Phase I Desk Study Report), 5, (Phase II Intrusive Site Investigation Report), 9 (intrusive investigations) on previous permission 2025/90456 for erection of two dwellings, formation of vehicular access and associated external works
Recommending Officer:	Emma Thompson

DECISION – Discharge of Conditions - 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: 10-Sep-2026

Officer report

Discharge of details reserved by conditions 4 (Phase I Desk Study Report), 5, (Phase II Intrusive Site Investigation Report), 9 (intrusive investigations) on previous permission 2025/90456 for erection of two dwellings, formation of vehicular access and associated external works

Condition 4:

4. 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. 189 and 190 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.

Condition 5:

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 groundworks (other than 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 Chapter 15 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 – Conditions 4 and 5:

A Phase 1 & Phase 2 Site Investigation & Geo-Environmental Appraisal by Mugen Geo Ltd, ref: MGEO 2512 HD8 0JF, dated May 2026 and supplementary Groundsure report has been submitted in support of the application. The report contains geotechnical information, which is beyond the remit of Environmental Health, and has been referred to the Mining Remediation Authority accordingly.

The geoenvironmental assessment provides a site history since 1854, it summarises the desk top data available and details from the site walkover

presented. The preliminary conceptual site model indicates intrusive investigation is required due to small buildings in the north of the site/ possibly made ground and potential for mine gas from possible worked shallow coal to site. The information provided in relation to condition 4 is accepted.

The ground investigation was undertaken in phases with the window sampling undertaken on the 18th of December 2026. The trial pits were excavated on the 31st of January 2026, comprising 4 trial pits and 3 window sampling boreholes with associated gas monitoring wells. Four samples were recovered with samples tested for heavy metals, hydrocarbons (PAHs) and asbestos. No asbestos was found and all determinants below screening values. The report author concluding remediation is not required.

Rotary boreholes confirmed; thin coal seams (100–200 mm thick) at depths between approximately 4.6m and 6.9m below ground level. No evidence of mine workings are presented.

The ground gas monitoring was undertaken by GeoEnginSeer Ltd and presented in an addendum ground gas risk assessment report (appendix g). The consultant advises worst case conditions were observed during monitoring between December 2025 and February 2026. The site was classified as Characteristic Situation 1 (CS1) in accordance with BS8485:2015+A1:2019, and no gas protection measures were considered necessary.

An updated conceptual site model informs no significant pollutant linkages were identified.

KC Environmental Health have reviewed the submitted reports and confirm, on the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase 1 & Phase 2 Site Investigation & Geo-Environmental Appraisal by Mugen Geo Ltd, ref: MGEO 2512 HD8 0JF, dated May 2026, **there are no objections to the discharge of conditions 4 & 5.**

As such Conditions 4 & 5 can be discharged.

Condition 9

No above ground development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from past 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Assessment:

The applicants have submitted a Phase 1 & Phase 2 Site Investigation & Geo-Environmental Appraisal (May 2026, prepared by Mugen Geo Ltd) for consideration. The submitted details have been referred to the Mining Remediation Authority for comment and their response is copied below:

Section 3.3.2 of the report advises that three rotary boreholes were drilled at the site to depths of 10m bgl to investigate the shallow coal mining situation. The works were apparently carried out under Mining Remediation Authority Permit ref. 31231. Section 3.4 of the report states 'Based upon the rotary drilling results there is considered to be a low risk of instability at the site due to no workings recorded at depth. A 100-200mm thick coal seam was recorded at all positions at depths between 4.6-4.8m in the lower part of the site and 6.8m in the north of the site.'

We note that the depth of the boreholes drilled would appear to reflect the recommendations for investigations set out in the Coal Mining Risk Assessment which supported the original planning application, the aim of which was to prove or disprove the presence of unrecorded mine workings within the Black Bed Coal seam.

We assume, although it is not explicitly stated in the Phase 1 & Phase 2 report, that the intact coal seam encountered during drilling is considered to be the Black Bed Coal and is unworked. We also assume that the report author considers the site to be stable in terms of coal mining legacy as no further remedial works or mitigation measures are proposed in this regard. The LPA may wish to confirm with the applicant that our assumptions on these matters are correct, although they will ultimately need to be addressed in the statement/declaration required for approval under Condition 10.

In consideration of the information submitted and the professional opinions contained therein, and based on the above assumptions, the Coal Authority's Planning & Development Team would consider the requirements of **Condition 9 of the issued consent to have been satisfactorily addressed in terms of coal mining legacy related land instability matters.**

As such Condition 9 can be discharged.

Decision Text:

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Phase 1 & Phase 2 Site

Investigation & Geo-Environmental Appraisal by Mugen Geo Ltd, ref: MGEO
2512 HD8 0JF, dated May 2026, Conditions 4, 5 and 9 can be discharged.