

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:	2026/44/91656/E
Site Address:	land at, Gelderd Road, Birstall, Batley, WF17 9LS
Description:	Discharge of details reserved by condition 5 (Phase II Intrusive Site Investigation Report) on previous permission 2025/91965 for installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works
Recommending Officer:	Emma Thompson

DECISION – DISCHARGE OF CONDITION REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 09-Sep-2026

Officer report:

Discharge of details reserved by condition 5 (Phase II Intrusive Site Investigation Report) on previous permission 2025/91965 for installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works

Condition 5 (Phase II Intrusive Site Investigation Report)

Condition 5 states the following:

5. No groundworks (other than those required for a site investigation report) shall 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.*

Assessment:

The purpose of condition 5 is to ensure site remediation and safe occupation. As such, the application has been referred to KC Environmental Health for comment.

Their response is copied below:

For the purpose of discharging condition 5 (Phase II Intrusive Site Investigation Report) on previous permission 2025/91965, a Phase 2: Site Investigation Report by Solmek Ltd (May 2026. Ref: NE-26-043) has been received. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report. We have read and reviewed these reports and make the following observations.

The Phase 2 Site Investigation comprised intrusive works undertaken in April - May 2026 across the site to inform the proposed development of a Tesla supercharging station with associated infrastructure.

The investigation included eight trial pits excavated to a maximum depth of 3.0m and five rotary boreholes drilled to depths of up to 45m below ground level, together with in-situ testing and laboratory analysis. The site was found to be underlain by a thin layer of made ground, generally up to around 1.0m in thickness, comprising granular materials including sand, gravel and construction debris, overlying clay deposits and shallow weathered mudstone bedrock.

The investigation confirmed that the site lies within a coal mining affected area, with historical evidence of opencast workings nearby and potential underlying mine workings identified at depth. Limited

chemical testing of soil samples was undertaken, indicating slightly acidic to alkaline conditions and low sulphate concentrations, primarily to inform concrete design. No groundwater was encountered during the investigation.

The report concludes that the site conditions are generally suitable for the proposed development.

The submitted Solmek Phase 2 Site Investigation is primarily geotechnical in scope and does not adequately address land contamination risks identified in the Phase 1 assessment approved as part of the previous permission 2025/91965 (Our Ref: WK/202524965).

No Quantitative Risk Assessment has been undertaken and no comparison with appropriate assessment criteria has been provided. Despite previously identified gas risks, no ground gas or vapour monitoring has been undertaken. The conceptual site model has not been updated, and pollutant linkages have not been robustly assessed.

On this basis, the information submitted is not sufficient and we are not currently able to recommend the discharge of Condition 5.

Further intrusive investigation, including a comprehensive contamination testing suite, ground gas monitoring and quantitative risk assessment, is required. Upon receipt of additional information, we recommend that further consultation with Environmental Health is undertaken.'

The submitted details are therefore considered insufficient for the purpose of discharging condition 5 having regard to the submitted detail and the response of the Environmental Health Team.

It is therefore recommended condition 5 is not discharged and remains.

Decision Text:

The submitted Solmek Phase 2 Site Investigation is primarily geotechnical in scope and does not adequately address land contamination risks identified in the Phase 1 assessment approved as part of the previous permission 2025/91965. No Quantitative Risk Assessment has been undertaken and no comparison with appropriate assessment criteria has been provided. Despite previously identified gas risks, no ground gas or vapour monitoring has been undertaken. The conceptual site model has not been updated, and pollutant linkages have not been robustly assessed. The information submitted is therefore not sufficient for discharging Condition 5.

