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:	2026/44/92323/W
Site Address:	Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU
Description:	Discharge of details reserved by condition 36 (coal legacy signed statement) of previous permission 2025/90105 for variation of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated works
Recommending Officer:	Victor Grayson

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: 17-Sep-2026

Officer Report

Discharge of details reserved by condition 36 (coal legacy signed statement) of previous permission 2025/90105 for variation of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated works

Planning history

2022/91735 – Outline planning permission (with access and layout) for the erection of 80 dwellings and associated works. Concerned northern part of HS3 site. Approved 10/11/2023.

2025/90105 – Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work. Approved 29/08/2025.

2025/92242 – Reserved Matters application (including consideration of appearance, scale and landscaping) for the erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735, and the discharge of outline conditions 6, 7, 8, and 9. Approved 11/11/2025.

2025/93061 – In a letter dated 27/01/2026 (issuing approvals in relation to certain outline conditions), the council advised:

> *Condition 26 (coal legacy) – Condition 26 is a compliance condition requiring no submission of details to the council as Local Planning Authority. However, you have submitted a Potential Shallow Mining Roadway Investigation (Sirius, SDL4480A/NJI/002, 11/09/2025) pursuant to condition 26.*
>
> *In comments dated 25/11/2025, the Mining Remediation Authority (formerly the Coal Authority) included the following concluding commentary:*
>
> > *As the applicant's technical consultants have confirmed that there are no treatment works / mitigation works necessary, the requirements of the condition* [26] *would therefore appear to have been met. However, we wish to comment that we would expect the need for the stabilisation of shallow mine workings to be reassessed should deep foundations be proposed, such as piled foundations, as these may result in a reduction in the amount of competent cover over the workings to the base of the foundations.*
> >
> > *Ultimately, the above matters need to be addressed as part of the statement/declaration required under condition 36 which should confirm that the site is, or has been made, safe and stable in terms of coal mining legacy for the approved scheme of development.*

The council has no concerns regarding the details submitted pursuant to condition 26, however no formal approval or discharge is hereby granted (as condition 26 requires no submission of details to or approval by the council). Please be reminded of the outstanding requirements of the related condition 36.

National Planning Policy Framework

A revised National Planning Policy Framework was published on 17/08/2026. The policies set out therein have been considered under this Discharge of Conditions application.

Consultation

Mining Remediation Authority – No objection.

Condition 36 (coal legacy signed statement)

Condition 36 reads as follows:

36. Prior to the occupation of each phase of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable pursuant to coal legacy for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
***Reason:** To ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.*

Under this Discharge of Condition application, the applicant initially submitted a letter from the Coal Authority to the applicant dated 06/08/2025. This did not address the requirements of condition 36.

Following the issuing of the council's consultation letter, the Mining Remediation Authority contacted Sirius (the applicant's consultant) directly, requesting sight of Sirius's report via the council's website. In response, on 28/08/2026 the applicant submitted two documents to the council:

- Letter titled "SDL4480A Potential Shallow Mining Roadway Investigation at land off Hermitage Park, Lepton" (Sirius, SDL4480A/NJI/002, 11/09/2025)
- Letter titled "SDL4480A Supplementary Probe Drilling Investigation at land off Hermitage Park, Lepton" (Sirius, SDL4480A/NJI/001, 06/06/2025)

The Mining Remediation Authority then issued the following comments (dated 07/09/2026) to the council:

I can see from the councils website a copy of the probing report from Sirius ref. SDL4480A/NJI/001 has been provided to you shortly after my request. The document has not found its way to myself but on the basis you now have it I can confirm the Coal Authority's Planning Team acceptance of that and can therefore now state that we have no objection to the LPA discharging Condition 36 as and when you see fit. This follows my written response just earlier today prior to identifying this.

Given the above assessment, it is recommended that an approval pursuant to condition 36 be issued. Condition 36 has no further requirements or stipulations, therefore the condition can be discharged in full.

Recommendation

Approve details submitted pursuant to condition 36 (coal legacy signed statement).

Report Dated: 14/09/2026

Decision Notice Text

Condition 36 (coal legacy signed statement)

You have submitted the following documents pursuant to condition 36:

- Letter titled "SDL4480A Potential Shallow Mining Roadway Investigation at land off Hermitage Park, Lepton" (Sirius, SDL4480A/NJI/002, 11/09/2025)
- Letter titled "SDL4480A Supplementary Probe Drilling Investigation at land off Hermitage Park, Lepton" (Sirius, SDL4480A/NJI/001, 06/06/2025)

Details set out in these two documents are acceptable for the purpose of condition 36 and are hereby approved. Condition 36 has no further requirements or stipulations, therefore the condition is discharged in full.