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:	**2026/44/92329/W**
Site Address:	Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF
Description:	Discharge of details reserved by condition 6 (Phase I Desk Study Report) on previous permission 2024/93250 for erection of warehouse extension for storage of product containers/pallets
Recommending Officer:	James Evans

DECISION – Discharge of Condition 6 - 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 14-Oct-2026

DISCHARGE OF CONDITIONS
Reference No. 2026/92329
Site Address: Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF

Proposal: Discharge of details reserved by condition 6 (Phase I Desk Study Report) on previous permission 2024/93250 for erection of warehouse extension for storage of product containers/pallets.

The merits of the application have previously been assessed under reference 2024/93250 and permission granted for erection of warehouse extension for storage of product containers/pallets.

The applicant is now seeking to discharge Condition 6 (Phase I Desk Study Report).

ASSESSMENT

Condition 6 (Phase I Desk Study Report):

6. 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. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground conditions are investigated at an appropriate time in the development process.

Assessment of Condition 6:

As part of the application the following has been submitted: -

- Application Forms
- Covering Letter
- Appendix 1
- Appendix 2a
- Appendix 2b
- Appendix 4 (Grouting Validation Report)
- Desk Study (2846-2)

In support of the application to discharge of condition 6, a Phase 1 Environmental Desk Study Report by Martin Environmental Solutions Ltd.

(reference no. 2846-2, dated July 2026) has been submitted. The report presents an updated Preliminary Risk Assessment (PRA) for the proposed commercial storage building at Red Doles Lane. The report has been revised following previous comments and now provides a more detailed assessment of the site's historical development, environmental setting and potential contamination risks.

KC Environmental Health have been consulted and their comments are below:

“Environmental Health has reviewed the revised Preliminary Risk Assessment and information that has been submitted relating to Condition 6 (Phase I Desk Study Report).

“The revised submission has addressed several of the concerns raised in the previous consultation response. In particular, the report now correctly describes the proposed development, provides an updated conceptual site model and includes consideration of potential ground gas risks associated with the mining legacy. The report also references the completion of intrusive investigations and grouting works undertaken to address risks associated with shallow historical coal workings.

However, the revised submission identifies historic landfill sites within the vicinity of the development and includes landfill gas as a potential contaminant source within the conceptual site model. It then concludes that a separate ground gas risk assessment is not required, relying principally on the completion of the mining investigation and grouting works.

Environmental Health does not consider that sufficient justification has been provided for this conclusion.

The submitted grouting validation report demonstrates that remedial works have been completed to address risks associated with shallow coal workings and land instability. However, the report does not constitute a ground gas risk assessment and does not adequately characterise potential risks associated with landfill gas generation or migration. Whilst the grouting works may have implications for gas migration pathways associated with mining features, they do not provide evidence that potential risks arising from nearby historic landfill sites have been suitably assessed.

As such, Environmental Health is not satisfied that the potential ground gas risks associated with the identified landfills and ground gas have been adequately characterised. In the absence of a robust assessment demonstrating that landfill gas does not represent a credible pollutant linkage,

it has not been demonstrated that all potential contamination risks have been satisfactorily assessed as required by Condition 6."

In conclusion, condition 6 cannot be discharged on the basis of the information submitted.

DECISION LETTER TEXT

Condition 6:

You have submitted the following: -

- Application Forms
- Covering Letter
- Appendix 1
- Appendix 2a
- Appendix 2b
- Appendix 4 (Grouting Validation Report)
- Desk Study (2846-2)

The submitted details are not acceptable at this time and therefore it is recommended that Condition 6 remains until further notice. However, further information in relation to Condition 6 can be considered under the current application if received within 21 days from the date of this letter.