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 CONDITON 6

I hereby authorise the discharge of condition 6 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: 18-Nov-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.

ASSESSMENT

Within a letter dated 14th October 2026, the LPA concluded that condition 6 could not be discharged. Subsequently, further information has been submitted to address condition 6. Which is assessed in the following report.

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)
- **Supporting Information document dated 26th October received 27/10/2026**
- **Supporting E-mail dated 27/10/2026**

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, KC Environmental Health recommend that condition 6 is left in place due to the reasons stated above.

Following these comments, the applicant submitted further information regarding the disposal of materials and the quantity and depth of imported soils.
KC Environmental health were reconsulted on the extra information and submitted the following comments:

"Further to the additional submission of information via email dated 27th October, I think there is a reasonable route forward if the intention is to progress the application whilst still securing the outstanding information through the original conditions.
The original concern remains that the revised Phase 1 identifies historic landfill sites and includes landfill gas as a potential contaminant source within the conceptual site model, but does not adequately demonstrate why a separate ground gas assessment is unnecessary. The additional information submitted focusses primarily on the proposed mitigation measures (gas membrane, protection points and verification proposals) rather than further characterisation of the identified landfill gas risk.
This issue may be more appropriately addressed under Condition 7, which requires a Phase II Intrusive Site Investigation where further investigation is necessary following the Preliminary Risk Assessment. The applicant has effectively moved straight to proposing mitigation measures, including gas protection and verification, which are more akin to matters normally considered under Condition 8 (Remediation Strategy), without first fully addressing the investigation stage under current best practice (LCRM Framework and YALPAG).
We would therefore be comfortable to recommend discharging Condition 6, provided that the applicant is advised that further information remains necessary under Condition 7 to adequately assess the identified ground gas risks associated with the historic landfill sites. The findings of that assessment would then determine whether a remediation strategy under Condition 8 is required.
Recommendations
Condition 6 - Phase I
The information submitted is considered sufficient to satisfy the requirements of the condition and we can recommend that this condition is discharged subject to information being submitted relating to Condition 7 below.

With regard to the above, it is therefore considered that the scheme submitted for condition 6 is acceptable, in accordance with policies within the Kirklees Local Plan and National Planning Framework Policy.

Decision Letter Text:

Condition 6:
The following has been submitted: -

- Application Forms
- Covering Letter
- Appendix 1
- Appendix 2a
- Appendix 2b
- Appendix 4 (Grouting Validation Report)
- Desk Study (2846-2)
- Supporting Information document dated 26th October received 27/10/2026
- Supporting E-mail dated 27/10/2026

It is considered that the previously submitted information and additional information received 27/10/26 is sufficient to discharge condition 6 which is considered to be satisfied and discharged by the Local Planning Authority.