**Sent:** 17 November 2026 13:20

**Subject:** RE: Attached letter from Kirklees Council regarding application number 2026/92329 at location Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF

Afternoon James,

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.

**Condition 7 – Phase 2**

The landfill gas risk identified within the conceptual site model has not been adequately characterised and requires further assessment. Further information is required to support this condition.

**Condition 8 – Remediation Strategy**

This cannot be considered until the outstanding information required under Condition 7 has been provided and assessed.

**Sent:** 27 October 2026 14:26

**Subject:** FW: Attached letter from Kirklees Council regarding application number 2026/92329 at location Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF

Hi

I have forwarded a response from the agent regarding application 2026/92329. It was originally decided that the condition should remain in place.

However, they are hoping that the attached information will be sufficient to discharge condition 6.

Please let me know your thoughts or recommendations.

Kind Regards,
James Evans
Planner/Assistant Planner – Development Management
Planning & Development Service
Growth and Regeneration
PO Box 1720, Huddersfield, HD1 9EL
Tel: 01484 221000
Website: www.kirklees.gov.uk

---

**From:** Tony Stead <Tony.Stead@adp-architects.com>
**Sent:** 27 October 2026 11:00
**To:** James Evans <James.Evans@kirklees.gov.uk>

**Cc:** Graham Haigh <graham@agrosmartuk.com>
**Subject:** Re: Attached letter from Kirklees Council regarding application number 2026/92329 at location Agrosmart Ltd, Red Doles Lane, Leeds Road, Huddersfield, HD2 1YF

Morning James

We are in receipt of your letter dated 14th October 2026 in respect of this revised Discharge of Conditions application for Condition 6 of the approval (attached).

The letter states that "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".

As you will know, this is a second application to discharge this particular condition.

We've downloaded the EHO latest consultee comments and studied the same.

The latest consultee comments refer to the revised Phase 1 Desk Study and the Grouting Validation Report.
The EHO latest consultee comments state;

*The revised Phase 1 Desk Study report concludes that no significant contamination risks have been identified that would*
*require further intrusive contaminated land investigation. However, the report recommends a precautionary approach through the installation of a gas protection membrane beneath the proposed development together with the implementation of a watching brief during construction works to identify any unforeseen or unexpected contamination encountered during development.*

*The grouting validation report concludes that the identified treatment areas were successfully grouted and that the remedial works were completed in accordance with the recommended mining remediation strategy. The applicant considers the mining-related risks to have been appropriately addressed through the completed works.*

*The grouting validation report informs the conclusions of the revised Preliminary Risk Assessment. The applicant relies on the completion of the grouting works as evidence that the risks associated with shallow mine workings, including potential ground gas migration pathways, have been significantly reduced. On this basis, the revised Phase 1 assessment concludes that a separate ground gas risk assessment is not required, although the incorporation of a precautionary gas protection membrane beneath the proposed*
*development is still recommended.*

The EHO concludes;

*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.*

As part of this latest application to Discharge Condition 6, we submitted a letter to Kirklees Council, dated 18th August 2026 (attached to this email), which included a "Ground Gas Mitigation". This was part of our submission to discharge Condition 6. However, no reference to this document has been mentioned in the EHO latest consultee comments.

**This appears to be either an oversight or a failure by the Environmental Health Officer (EHO) to fulfil their responsibilities.**
**As part of our submission, this document should have been given consideration.**

The EHO states;
*Environmental Health is not satisfied that the potential ground gas risks associated with the identified landfills and ground gas have been adequately characterised.*

Our understanding of this is that the EHO may require a gas monitoring regime to be carried out to characterise the ground gas risk?
Although this is not clearly stated, so is therefore vague and unhelpful.

We put forward that any amount of gas monitoring could be carried out on the site, but whatever the results from this, this will not prevent the construction of the approved building.
The outcome will be that the building will incorporate appropriate ground gas mitigation measures, namely, an appropriate gas barrier membrane will be installed beneath the floor slab over the entire footprint of the building.

We attach a **"Supporting Statement"** in respect of building types that are vulnerable to ground contamination, appropriate mitigation measures for the proposed building, together with gas barrier manufacturers technical data sheets, for your consideration.

**Given that the proposed building is an extension of an existing industrial unit and is to be used solely for the storage of plastic containers, unoccupied, with only very intermittent access for a forklift truck driver, this building is not vulnerable to ground contamination, and therefore gas monitoring is not required.**

We conclude therefore, that it would be unreasonable to expect any further action in respect of ground investigations, for this particular building and its intended use.

We therefore respectfully request that Condition 6 be discharged, notwithstanding the latest comments from Kirklees EH.

Regards
**Tony Stead**

Director

ADP ARCHITECTURE AND DESIGN

The Old Police Station, 16 Bridge Lane, Holmfirth, HD9 7AN

T: 01484 685411  M: 07718 207605  E: tony.stead@adp-architects.com
W: www.adp-architects.com

Please consider the environment before printing this email.