

Mr Bill Topping
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2015/133800/01-L01
Your ref: 2015/60/93824/W
Date: 21 December 2015

Dear Mr Topping

**OUTLINE APPLICATION FOR ERECTION OF 56 DWELLINGS AND CARE HOME
WITH ASSOCIATED CAR PARKING
FORMER MIDLOTHIAN GARAGE, NEW MILL ROAD, HOLMFIRTH, HD9 7LN**

Thank you for consulting us on the above application which we received on 10 December 2015. We have the following comments to make.

Groundwater and Land Contamination

The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2)

Environment Agency
8, Lateral City Walk, Leeds, West Yorkshire, LS11 9AT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the [CL:AIRE](#) website and;
- The [Environmental regulations](#) page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

If you have any questions, please contact me on the details below.

Yours sincerely

Abdul Gaffar
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