

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2017/93813 - Former Valley Mills, Off, Union Street, Heckmondwike
Discharge of conditions 5,6, 7, 15-19 and 22 on previous application 2010/93169 for outline application for erection of 35 dwellings.
**Date Responded:
19 October 2020**
**Responding Officer:
Natalie Heaney (Contaminated Land)
Richard Hume (Noise)**
**Responding Ref:
WK/202020513**
Condition 7 – Phase II Intrusive Site Investigation Report

To discharge Condition 7, a Phase II Site Investigation by GeoCon Site Investigations Ltd dated February 2020 (ref: K0234 TF (GSI1143) PII Report RK BAK 110719) has been received. I have read the report supplied by the applicant.

The Phase II work has provided data on the nature and extent of contamination at the proposed site from several boreholes. Gas monitoring was also established at eight monitoring wells to establish the gassing regime from six visits over three months.

The soil analysis identified several samples exceeded the soil screening values for arsenic, lead, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(ah)anthracene and benzene, suggesting a harmful potential source-receptor linkage. However, there are several issues with the submitted report.

Firstly, the submitted report is identified as an interim report which excludes complete gas and groundwater monitoring results. As expressed in Section 1 of the report, the overall objective of the Phase II report submitted is to establish the potential for contamination at the site. It is unclear that in the absence of complete ground gas and groundwater data how all potential pollutant linkages influencing the site have been considered. A robust Phase II report should include complete datasets that accurately test all potential pollutant linkages to determine unacceptable risks to humans and the environment.

Secondly, the report recommends further sampling and analysis of the soil and groundwater to confirm pollutant linkages for surface waters. Whilst I agree that further soil and groundwater quantitative data is required, there is limited information provided relating to this work. For instance, the sampling strategy is unclear. It is also unclear what further analysis will take place on samples, whether this is specific to one or multiple analytes or whether this refers to additional procedures such as leachate or bioaccessibility testing. Further information should be included to provide an overview of the intended sampling recommended, which must include information on the sampling pattern, location and number of samples. It must also be made clear precisely what chemical analysis will be undertaken.

In continuation with the requirement for further sampling, Section 6 of the report makes recommendations for further work based on the sampling undertaken so far. It is suggested that either further sampling of the soft-landscaping areas (e.g. private gardens and public open spaces) is completed or that remedial action is undertaken. However, the report fails to recommend precisely what remediation measures may be a suitable alternative.

It is understood that construction has already taken place on-site in contravention with

planning permission 2010/93169. This is touched upon in the report which identifies that contamination may be identified by localised hotspots of contamination or could be representative of the site as a whole; it is stated that '*it is not possible to determine the full extent of the soil contamination*',. Whilst construction limits sampling to some extent, from the exploratory hole location plan drawing GSI 1143/02 in Appendix A, there are several areas of soft landscaping which could have been targeted to better reflect the site as a whole. A suitable sampling strategy should have been selected in the first instance which removes the uncertainty concerning hotspots i.e. testing more, if not all, areas of soft-landscaping. Any future revised Phase II investigation must include further sampling to adequately assess the contamination status of the site.

Lastly, the exploratory hole location plan drawing GSI 1143/02 in Appendix A is of poor quality. Including a plan to demonstrate the site investigation methodology is necessary for a Phase II report. However, the submitted drawing does not show sample location numbers. Additionally, large proportions of the text are illegible due to the font size. At current, it is unclear for instance where the exact locations of WS07 and BH03 are, two identified potential hotspots. Any submitted figures must be clearly formatted, and all sampling locations must be labelled.

For these reasons, the Phase II report submitted for the discharge of Condition 8 is unsatisfactory.

Condition 8 – Remediation Strategy

For the purpose of discharging Condition 8, a Remediation Strategy by GeoCon Site Investigations Ltd dated March 2020 (ref: K0234 IW (GSI1143) RS 130320) has been received. I have read the report supplied by the applicant.

In light of the contamination requiring remediation identified in the Phase II report, proposals for clean cover have been made. The made ground within the soft landscaped areas (gardens and public open space) around the locations of the elevated hotspots (BH03 and WS07) will be removed to a depth of 600mm. No proposals for ground gas protection measures have been proposed as no monitoring data has been submitted.

Detailed proposals for verification were then supplied which included the proposed testing frequency and analysis of clean cover soils and the submission of a detailed verification report. There were also been proposals for unexpected contamination which includes, taking samples for further analysis should visual or olfactory evidence be identified. However, there is no procedure for ceasing groundworks and informing the local authority which is required by Condition 9 of planning permission 2010/93169.

In summary, the submitted remediation report is unsatisfactory.

Condition 10 – Validation Report

There has also been a Topsoil Analysis Report by Tim O'Hare Associates dated 23 Jan 2020 (ref: TOHA/20/9367/SS) submitted. The submitted report details that a sample of topsoil is suitable for reuse for general landscaping purposes.

However, it is specified in the opening paragraphs of the report that '*the report and results should therefore not be used by third parties as a means of verification or validation testing or waste designation purposes.*' Furthermore, the submitted information is not a validation report so is unsatisfactory for Condition 10. Until Conditions 7 and 8 has been approved, in writing following the submission of complete Phase II investigation works and a suitable remediation strategy. It is unclear how validation can take place at the current stage.

Condition 16 – Noise Report

Condition 16 was recommended because the noise assessment that was submitted with the original application 2010/93169 was considered to be unacceptable because it failed to consider the potential impact of noise from nearby industrial / commercial premises. No noise further noise assessment has been provided for discharge of this condition.

Recommendations

For these reasons, the submitted report regarding the Phase II investigation aspect does not meet the requirements for Condition 7. I am unable to recommend that Condition 7 be discharged.

The submitted Phase III report is unsatisfactory for the discharge of Condition 8, therefore I cannot recommend the discharge of Condition 8 at this time.

At the time of writing, the Remediation Strategy has not been approved (Condition 8), therefore Conditions 9 and 10 should remain until further notice.

No additional noise assessment has been provided by the applicant therefore condition 16 should not be discharged at this time.