

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2020/91747 - Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB		
Demolition of former dairy/snooker centre/storage and erection of 12 light industrial units		
Date Responded: 25th November 2020	Responding Officer: Natalie Heaney	Responding Ref: WK/202017713
Contaminated Land The application relates to the demolition of a former dairy/snooker centre/storage and the erection of 12 light industrial units. In our previous consultation response dated 6th August 2020 we concluded that the Phase 1 report was satisfactory, however, the Phase 2 report was unsatisfactory. Both the Phase 2 Intrusive Site Investigation Report by Geoinvestigate Ltd, dated April 2019 (ref: G19086) and Gas Monitoring Addendum Report by Geoinvestigate Ltd, dated 3rd July 2019 (ref: G19086) were reviewed to achieve that conclusion. As part of the Phase II report the risk assessment, a residential end-use with no plant uptake generic assessment criteria (GAC) was applied and it was found there were exceedances for arsenic, lead, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(123-cd)pyrene and dibenzo(a,h)anthracene. Despite these exceedances the report concluded that no remedial works were necessary. As the objectives of the report were not in line with the application end-use, the report was rejected. Subsequently, CLC2-5 and CLC7 conditions were recommended to cover the Phase II investigation and the next phases of the development. We have since received further information via email from Geoinvestigate Ltd dated 17th September 2020. I have read the additional information supplied. To paraphrase, the received email details that a commercial development would significantly raise the GAC levels for contaminants and that the site is almost exclusively hardstanding or building, breaking the pollutant pathways. It also notes that there is a single very small area of landscaping planned for the extreme south-east corner of the site. The email continues to state that BH4 and BH8 were less than background concentration levels of lead (820 mgkg⁻¹) and TPC and TPD are located beneath the areas of hardstanding or within the footprint of commercial footprints. The email concludes that there is no reason as to revise our report to apply commercial GAC values to the site, as the original conclusion still holds true. Comments The Phase II report was written in April 2019 hence it should follow the relevant and current guidance at that time. In the <i>Model procedures for the management of land contamination – contaminated land report (CLR11)</i> guidance, the processes of managing land contamination are detailed. It advises that at each stage, the objectives should be set and refined as appropriate. The CLR11 guidance also advises that at the Phase II stage, the key outputs should include an explanation of the development of the conceptual model (in particular the results of the site investigation) and the development and choice of GAC. It also highlights the importance of transparency during risk communication. These guiding principles are also reiterated within current Land contamination risk management (LCRM) guidance.		

Considering the above, the submitted report was rejected as there were several failures in the report. Fundamentally, the report failed to revise and refine its objectives. This issue then impacted the rest of the report. One such instance is that no commercial end-use generic risk assessment criteria were presented. Whilst I accept that residential end-use criteria values are more conservative, it is inappropriate to accept these considering the data. For instance, from the report it is unclear whether exceedances in PAHs relate to free-product or non-free product commercial GAC values. If say free-product PAH are present, it is likely that six PAHs would exceed any commercial GAC. However, this was neither presented nor discussed in the report. Moreover, there are several different GAC which could be applied. In brief, the contaminated land risk assessment was communicated inadequately. The GAC to reflect the end-use should be presented and a detailed and robust discussion relating to risk assessment should be provided. It must also reflect the overall objective of the report and end-use.

A further instance to note is that no revision of the conceptual model to reflect the end-use was made. There was also a failure to include a conceptual model in response to the findings. Instead, the conceptual model presented was for a residential end-use and identifies broken pathways following remediation actions i.e. hardstanding. Whilst the CLR11 and LCRM guidance both recommend revision of the conceptual model at all phases of the process; these should reflect the investigation objectives as they inform all future decisions at the development. As such, a conceptual model showing commercial end-use and the tested pollutant linkages from the investigation results without remedial options would be appropriate at this stage.

In response to the comment concerning boreholes located beneath the areas of hardstanding or within the commercial building footprint, both BS10175:2011+A2:2017 *Investigation of potentially contaminated sites – Code of practice* and YALPAG Technical Guidance for Developers, Landowners and Consultants *Development on Land Affected by Contamination (Version 11.2)* guidance documents advise a field investigation report should include a site plan including sampling locations. However, the submitted report failed to supply an updated borehole and trial pit location map reflecting the commercial buildings. Therefore, it is unclear where the exact locations of these boreholes and trial pits are in relation to the commercial building footprint. Likewise, it is unclear from the plan where the area of proposed soft landscaping is.

Overall, I disagree with Geoinvestigate's opinion that there is no reason to revise the report considering the commercial end-use. On the contrary, the above commentary demonstrates why it is essential to revise the report to reflect the new end-use. These changes should also be used to make robust report conclusions in line with the end-use reflective of the planning application. As such, our position remains unchanged and the recommendations previously detailed remain.

Recommendations

For the reasons detailed above, I consider the recently submitted information insufficient for the previously recommended Phase II condition (CLC2) to be removed. Conditions CLC2, CLC3, CLC4, CLC5 and CLC7 should remain.

All other outstanding Pollution and Noise Control conditions as recommended on the 6th

August 2020 should remain unchanged.