

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/93078 - adj, 17, Hillhouse Lane, Fartown, Huddersfield, HD1 6EF		
Discharge of conditions 3 (materials), 5 (cycle parking) & 7 - 11 (contamination & coal mining legacy) 12 (noise) on previous permission no. 2019/93483 for Erection of 4no. A1/A3 ground floor units, 3no.B1 offices and ancillary space, a free standing ATM and car park		
Date Responded: 9th August 2021	Responding Officer: Natalie Heaney	Responding Ref: WK/202125394
Conditions 3 and 5 are outside the remit of Environmental Health Conditions 7 to 11 – Contaminated Land Conditions To discharge the Contaminated Land conditions (7 to 11), the following reports have been provided: • A Rotary Borehole Site Investigation Report by Geoinvestigate Ltd dated November 2020 (ref: G20366) • a Contamination Assessment Report by Geo Investigated dated July 2021 (G21252) has been provided The reports include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. The aim of the rotary borehole site investigation was limited to the investigation for the possible presence of shallow abandoned underground coal mine workings beneath the site. Notably, no evidence of coal workings was identified. The environmental health risks from contaminated land remain unassessed as this was outside the scope of the coal mining risk assessment provided. In addition to the coal mining risk assessment, we consider that at minimum, a comprehensive preliminary risk assessment is required. This is to establish any potentially unacceptable risks arising from any contaminated land at or near the site that could impact the development. Notably, at the time of writing, no Preliminary Risk Assessment (Phase I Desk Study Report) has been provided in support of Condition 7. Instead, a Phase II report has been provided. Without a Phase I report, it is unclear whether any detailed search of historical and current records has been undertaken or whether a preliminary conceptual model has been produced. No identification of the potential pollutant linkages has been made. These are fundamental first steps in a contaminated land investigation that inform intrusive investigations. In the absence of this information, we are unable to assess the Phase II report. For example, it is unclear whether the sampling methodology applied in the Phase II investigation considers all the potential pollutant linkages at the site. We accept it may be the applicant has instructed a Phase I assessment to be undertaken but has failed to provide it as part of the submission documents. However, this information concerning a Phase I report was recently provided in a similar discharge of conditions application no. 2021/91457. As such, we have concerns that no Phase I has been produced.		

Our records indicate the site is near an area of land with several historical land uses with the potential to contaminate. These include but are not limited to, a mill and vehicle paint spraying facilities. This reflects why contaminated land conditions are necessary. Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In British Standard BS 10175:2011+A2:2017, it is further specified that a preliminary investigation will always be required.

The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) have produced the technical guidance for development on contaminated land. Their document *Development on Land Affected by Contamination: Technical Guidance for Developers, Landowners and Consultants* (dated June 2020, version 11.2) details the requirements for a robust Phase I report and subsequent contaminated land reports. This document should be consulted.

Overall, it appears that the investigation at the site is not in line with current guidance. Furthermore, the information provided fails to satisfy the requirements of Condition 7. Without the provision of satisfactory information for Condition 7, it is inappropriate to consider the other contaminated land conditions at this stage. For these reasons, we recommend that Condition 7 should remain until further notice.

Condition 12 – Noise Assessment

At the time of writing, no information has been received in support of Condition 12 (noise assessment).

We consider that a noise assessment and subsequent report is necessary as the application site is adjacent to several residential dwellings. It is possible that additional noise and odours associated with the change of use may impact the amenity of nearby residents. Until further information is received, Condition 12 must remain.

Recommendations

No information has been provided to satisfy the environmental health requirements of Conditions 7 (Preliminary Risk Assessment (Phase I Desk Study Report). Until this information is received, we cannot consider the discharge of Condition 8 (Phase II Intrusive Site Investigation Report), Condition 9 (Remediation Strategy), Condition 10 (Implementing the remediation) and Condition 11 (Validation Report). Further information is required in relation to contaminated land at the proposed development. For that reason, we recommend that these conditions must remain.

At the time of writing, no information has been received in support of Condition 12 (noise assessment). For that reason, we recommend that Condition 12 must remain.