Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/91477 - Land off Lindley Moor Road, Lindley, Huddersfield, HD3 3SX		
Hybrid Planning Application for the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(a), E(b), E(g), B2 and B8		
Date Responded: 25th July 2023	**Responding Officer:** NH	**Responding Ref:** WK/202316721

Contaminated Land

Further to our comments concerning contaminated land dated 30th September 2022, a letter titled 'Re: Lindley Moor Road, Lindley,' dated 18th May 2023 (ref: E20/7768/JF/001) and Gas Addendum letter dated 13th May 2022 (ref: E20/7768/JF/001) by Haigh Huddlestone & Associates. The documents include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the documents.

The letter acknowledges the presence of shallow coal on site. The report recommends that if the coal strata is encountered within the foundation or drainage excavations, the coal seam should be immediately sealed to prevent spontaneous combustion. It is also proposed to install ground gas protection measures to reduce migration pathways. A minimum of 1m inert clean cover is also suggested for areas where shallow coal seams are encountered.

The gas monitoring addendum describes the gas monitoring undertaken. Five boreholes were installed with gas monitoring standpipes with 1m of plain pipe then 2m of slotted pipe. Six rounds of gas monitoring were undertaken between 23rd February 2022 and 5th May 2022 when atmospheric pressure ranged between 999mb and 1020mb. No methane was detected during the monitoring. The peak carbon dioxide concentration was 4.8% v/v and the minimum oxygen level encountered was 16.7% v/v. Carbon monoxide was also detected in concentrations up to 11ppm. The maximum calculated borehole hazardous gas flow rate for carbon dioxide was 0.07488 l/h.

On three occasions, it was not possible to take readings from R08 due to the high ground water. The report considers that because of the consistency between the values obtained from other boreholes on site, that the data retrieved 'represents a true reflection of the gas regime affecting any new development.'

Concerning the high flow rate observed, the report adds that due to 'the relatively low carbon dioxide levels recorded throughout the duration of the visits, the abnormally high steady flow rate of 15.6l/hr on 23rd February 2022 could be considered as an anomaly that can be disregarded due to no flow rates being detected throughout the remainder of the visits.' Nevertheless, the report recommends that the site should be characterised as a CS2 site and to achieve a score of 2.5, the installation of suitable gas barrier and cast in situ ground-bearing floor slab with only nominal mesh reinforcement & minimal service entries.

We accept the reports provided. Our recommended contaminated conditions and footnote have been revised and supersede any on previous responses.

Recommended Conditions

These conditions are recommended for the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping **and** for the outline application for mixed use development use class E(a), E(b), E(g), B2 and B8

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the details provided in the Gas Addendum letter dated 13th May 2022 (ref: E20/7768/JF/001) by Haigh Huddlestone & Associates. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.