Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/91552 - 33, Belle Vue Street, Healey, Batley, WF17 8DD		
Discharge conditions 3 (materials), 5 (Phase I Desk Study Report), 14 (wastes) on previous permission 2021/92271 for erection of 2 semi-detached dwellings		
Date Responded: **8th February 2023**	**Responding Officer:** **Natalie Heaney**	**Responding Ref:** **WK/202240132**

Conditions 3 and 14 are outside the remit of Environmental Health.

Condition 5 - Phase I Desk Study Report

Further to our comments dated 13th July 2022, a letter titled 'Re: 2022/91552-33 Belle Vue Street, Batley' by Assessment by Michael D Joyce Associates (MDJA) dated 1st November 2022 (ref: ADJ/DJM/11319) has been submitted. The report includes 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 letter states that mine gases were included in the risk assessment 'within ground gases in general.' It continues that 'there is no evidence of shallow workings, and the deepest recorded workings are at 281m depth.' MDJA state that this is too deep to be of concern. Further justification for no monitoring is given in that the 'given the type of waste (non-biodegradable), and that operations ceased almost 40 years ago.'

It is concluded that 'the overall risk associated with all ground gases is now low (Section 9.11) based on the above, and the installation of the radon barrier, which we understand has been inspected and signed off by Building Control.' Therefore, MDJA do not consider gas monitoring necessary as 'this will not indicate adverse conditions where the gas protection measures are insufficient.'

MDJA have now clarified that mine gases are included within ground gases in the risk assessment. Nevertheless, the letter states that there is no evidence of shallow workings. No evidence has been provided to Environmental Health to support this statement. Moreover, Condition 5 on previous permission 2021/92271 states that development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority. The letter reads as if the development is already underway. A further concern is that the letter suggests that a radon barrier has been installed. The installation of only a radon barrier is insufficient protection for landfill gases, VOCs and SVOCs. Guidance BS8485 and CIRIA C748 should be consulted. Ultimately, we require an up to date full and robust risk assessment.

For these reasons, we maintain our original position. We do not accept the Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates (MDJA), dated April 2022 (ref: 4202) and recommend Condition 5 remain until further notice. A more detailed risk assessment is necessary.

Recommendations

Condition 5 - Phase I Desk Study Report

We do not accept the Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates (MDJA), dated April 2022 (ref: 4202) and recommend Condition 5 remain until further notice. A more detailed risk assessment is necessary.