Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2022/92641 - Land Adjacent, 109, Sunny Bank Road, Mirfield, WF14 0JS		
Discharge conditions 9-13, 18 on previous permission 2019/94120 for erection of detached dwelling		
Date Responded: 3rd October 2022	**Responding Officer:** Natalie Heaney	**Responding Ref:** WK/202228340

Condition 18 is outside the remit of Environmental Health.

The applicant has also applied to discharge Condition 9 (Phase I Desk Study Report), Condition 10 (Phase II Intrusive Site Investigation Report), Condition 11 (Remediation Strategy), Condition 12 (Unexpected Contamination/Implementing Remediation) and Condition 13 (Validation Report). However, only information relating to Condition 9 has been submitted for consultation.

Condition 9 - Phase I Desk Study Report

To discharge Condition 9, a Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates LLP, dated July 2022 (ref: 4226). The report includes geo-technical information which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The site walkover was carried out on 4th July 2022 and is described as 'heavily overgrown'. The overgrowth reportedly restricted access to the southeastern part of the site. An appraisal of the historic maps has also been undertaken. Notable nearby historic land uses include but are not limited to a brickworks, a refuse tip, a clay pit. Additional information is provided about the historic landfill in Section 6.2. The landfill immediately west and southwest 'was licensed in 1996, and the licence has since been surrendered. The type of waste accepted is given as "non-bio-degradable waste". In all likelihood landfilling was also taking place prior to 1996.' Later it is also added that 'the waste types prior to 1996 are not known.'

A Summary of Hazards, Pathways and Receptors is presented on Page 20 of the report and the report continues to recommend an intrusive investigation, including in-situ ground gas monitoring 'the close proximity of the former landfill site'.

No detailed recommendations have been made in terms of the intrusive investigation. Any ground gas monitoring undertaken must be in accordance with the idealised monitoring period and frequency detailed in Table 5.5a and 5.5b in CIRIA C665 guidance. Any future Phase 2 Report will not be considered acceptable unless the whole of the gas monitoring has been completed in accordance with current guidance. A report detailing only part of the gas monitoring will not be acceptable. In addition, all contamination reports shall be prepared in accordance with guidance in:

- *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

Notwithstanding this, we accept the report and recommend that the Condition is discharged**.**

Recommendations

Condition 9 – Phase I Desk Study Report

The Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates LLP, dated July 2022 (ref: 4226) satisfies the requirements of Condition 9 on previous permission 2022/92641 and we recommend that Condition 9 is discharged.

Conditions 10 to 13 – Contaminated Land Conditions

No reports appear to have been submitted that satisfy the requirements of either Conditions 10, 11, 12 and 13. Therefore, we recommended that these conditions remain until further notice.