

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2022/92766 - off, Low Westwood Lane, Wellhouse, Golcar, Huddersfield, HD7 4EW
Discharge conditions 5 (construction traffic access), 6 (methodology of works), 7 (Phase II Intrusive Site Investigation Report), 8 (Preliminary Risk Assessment), 9 (Phase II Intrusive Site Investigation Report), 10 (Remediation Strategy), 11 (Validation Report), 12 (materials), 14 (crime prevention), 17 (external lighting) on previous permission 2019/91524 for alterations to former coal chutes to form 9 two storey storage units (within a Conservation Area)
**Date Responded:
18th November 2022**
**Responding Officer:
Natalie Heaney**
**Responding Ref:
WK/202228325**

Conditions 5, 6, 14 and 17 are outside the remit of Environmental Health.

Condition 7 – Preliminary Risk Assessment

To discharge Condition 7, a Phase I Desk Study and Phase II Ground Investigation report by Ashton Bennett Consultancy, dated March 2008 (ref: FHL 2683). 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 report is in a combined Phase I and Phase 2 report format. These comments relate to the Phase I aspect of the report only.

From the Phase 1 Report, it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact the development and/or the environment. These include, but are not limited to, a railway depot and goods shed. A ground investigation was undertaken based on the appraisal of historical information and the potential pollutant linkages identified.

We consider the Phase I aspect of the report to be outdated. It is plausible the condition of the site has changed since any historic investigations (e.g. development, fly-tipping, burning of wastes etc). Any contaminated land information received must provide an accurate assessment of the current contaminated land risks at the site in line with the Land Contamination Risk Management Guidance. At a minimum, an addendum Phase I report is required with an updated site walkover, risk assessment and conceptual site model.

For these reasons, we do not accept the Phase I Desk Study and Phase II Ground Investigation report by Ashton Bennett Consultancy, dated March 2008 (ref: FHL 2683) and recommend that Condition 7 remain until further notice.

Condition 8 - Phase II Intrusive Site Investigation Report

To discharge Condition 8, a Phase I Desk Study and Phase II Ground Investigation report by Ashton Bennett Consultancy, dated March 2008 (ref: FHL 2683). 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 report is in a combined Phase I and Phase 2 report format. These comments relate to the Phase 2 aspect of the report only.

The report details that fieldwork was undertaken in 2008. No evidence of potential contamination was encountered during the site walkover, therefore an untargeted sampling

approach was taken. Seven trial pits were excavated, and seven samples were sent for chemical analysis. Ground conditions were proven as made ground underlain by sandstone. The results of the analysis were compared against generic assessment criteria. The report considered there to be several exceedances for certain contaminants and therefore considered remediation necessary depending on the future use.

We have reviewed the report, however, it will be necessary to update the report to incorporate any changes in the environment and updated guidance since the report was produced. For instance, the generic assessment criteria have changed, and the contaminated land guidance has been updated since 2008. For these reasons, we do not accept the report and recommend that Condition 8 remain until further notice.

Condition 9 - Remediation Strategy

No remediation strategy has been submitted to this service for review. Therefore, it is unclear how we can consider the discharge of Condition 9 at this time. Given that we have recommended that Conditions 7 and 8 remain until further notice, we also recommend that Condition 9 remain until further notice.

Condition 10 – Unexpected Contamination

No remediation strategy has been approved under this previous permission. Furthermore, no groundwork should have commenced onsite. Therefore, it is unclear why the applicant has applied to discharge this condition at this stage. Condition 10 must remain until further notice.

Condition 11 - Validation Report

No validation report has been submitted to this service for review. Therefore, it is unclear how we can consider the discharge of Condition 11 at this time. Given that we have recommended that Conditions 7, 8 and 9 remain until further notice, we also recommend that Condition 11 remain until further notice.

Recommendations

Condition 7 – Preliminary Risk Assessment

We do not accept the Phase I/Preliminary Risk Assessment aspect of the Phase I Desk Study and Phase II Ground Investigation report by Ashton Bennett Consultancy, dated March 2008 (ref: FHL 2683). Therefore, we recommend that condition 8 remain until further notice.

Condition 8 - Phase II Intrusive Site Investigation Report

We do not accept the Phase II aspect of the Phase I Desk Study and Phase II Ground Investigation report by Ashton Bennett Consultancy, dated March 2008 (ref: FHL 2683). Therefore, we recommend that condition 8 remain until further notice.

Condition 9 - Remediation Strategy

No remediation strategy has been submitted to this service for review. Therefore, it is unclear how we can consider the discharge of Condition 9 at this time. Given that we have recommended that Conditions 7 and 8 remain until further notice, we also recommend that Condition 9 remain until further notice.

Condition 10 – Unexpected Contamination

No remediation strategy has been approved under this previous permission. Furthermore, no groundwork should have commenced onsite. Therefore, it is unclear why the applicant has

applied to discharge this condition at this stage. Condition 10 must remain until further notice.

Condition 11 - Validation Report

No validation report has been submitted to this service for review. Therefore, it is unclear how we can consider the discharge of Condition 11 at this time. Given that we have recommended that Conditions 7, 8 and 9 remain until further notice, we also recommend that Condition 11 remain until further notice.