

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/90922 - adj, Fieldhead, 7, Town Gate, Scholes, Cleckheaton, BD19 6ET
Erection of detached dwelling with detached garage
Date Responded:
17th May 2023
Responding Officer:
NH
Responding Ref:
WK/202314318
Contaminated Land

The following has been received in support of the application:

- Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviro Solutions Limited, dated June 2022 (ref: 2371-22 PI).
- Phase II/ Ground Investigation and Updated Risk Assessment report by Geoenviro Solutions Limited, dated August 2022 (ref: 2371-22 PII).

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 Phase 1 report describes the observations during a site walkover in June 2022. The site comprises mature planting along the northern boundary and planting to the centre and east of the site. The remaining site area is grass-covered with a garden shed present in the northwest of the site. The site is underlain by Pennine Lower Coal Measures (PLCM) Formation. Surrounding historical land uses include mills, tramway sidings, unspecified pits and nurseries. The site itself has been undeveloped since c.1854.

Potential sources of contamination, pathways and receptors have been identified and detailed in section 6 of the Phase 1 report. Subsequently, a risk assessment in Section 7 presents a preliminary conceptual site model and suitable recommendations for a Phase II investigation are then provided.

The report details the findings from an investigation undertaken in June and July 2022. Two rotary boreholes were drilled to 30.00m below ground level (bgl). In addition, six soil samples were retrieved and sent for laboratory testing. The results of the chemical analysis were screened against suitable assessment criteria. Combined gas and groundwater monitoring standpipes were also installed to 5.00m bgl and monitoring has commenced.

Made ground was encountered across the site generally as 'reworked topsoil' and underlain by residual PLCM and bedrock. Intact coal was encountered in both rotary boreholes at depths of between 7.80 and 8.00m bgl with a thickness of between 0.20 and 0.30m. No evidence of mine workings were encountered.

No visual or olfactory evidence of contamination was encountered or observed during the ground investigation. The results of the chemical analysis and screening against generic assessment criteria confirmed the presence of benzo(a)pyrene (at WS01, WS02, SN01) benzo(b)fluoranthene (at WS01, WS02, SN01), dibenz(a,h)anthracene dibenz(a,h)anthracene, naphthalene (at SN01), Aliphatic >C8 - C10 (at WS01, WS02, SN01)

and Aromatic >C16 - C21 (at WS02). No inorganic determinants exceeded the assessment criteria, and no asbestos fibres were recorded in any of the samples tested.

Ground gas and groundwater monitoring was undertaken in three wells WS01, WS02 and SN01 on six occasions. Visits included low and falling pressure conditions and ranged from 938 mB to 1018 mB. Peak methane and carbon dioxide concentrations are reported as 0.1% v/v and 2.5% v/v respectively with a peak flow rate of -0.2 l/h. Elevated carbon monoxide (20.00 ppm) was also encountered on the first visit but not on any subsequent occasion. The minimum oxygen concentration reported to date is 19.2% v/v. From these, the report characterises the ground gas regime provisionally as Characteristic Situation 1 (CS1) and as 'very low' risk with a moderate risk from carbon monoxide. However, protection is considered necessary against carbon monoxide.

An updated conceptual site model is presented in Section 11 of the report. The report recommends a remediation strategy is authored due to the PAH and TPH contamination and carbon monoxide remedial measures that are necessary.

We accept the Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviro Solutions Limited, dated June 2022 (ref: 2371-22 PI) and Phase II/ Ground Investigation and Updated Risk Assessment report by Geoenviro Solutions Limited, dated August 2022 (ref: 2371-22 PII).

We acknowledge that the Design and Access Statement states, '*since the land is situated in an area where no such processes could cause contamination, it is envisaged that there will not be any contamination on the site.*' As per our commentary herein, the submitted reports have identified contaminated land at the site. Therefore, the following contaminated land conditions and footnote are necessary and should be applied to any permission granted to ensure remediation and safe occupation of the site.

Electric Vehicle Charging Points

In the Climate Change Statement, it states that there will be an electric vehicle charging point provided. Electric vehicle charging provisions for new residential buildings is now a requirement under Building Regulations.

Construction Hours

The proposed development is in a residential setting. Restricting the hours of construction is appropriate to minimise adverse impacts on occupiers of nearby properties. For that reason, conditions relating to construction times are required.

Recommended Conditions

CLC3 Submission of Remediation Strategy - Condition

Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviro Solutions Limited, dated June 2022 (ref: 2371-22 PI) or the Phase II/Ground Investigation and Updated Risk Assessment report by Geoenviro Solutions Limited, dated August 2022 (ref: 2371-22 PII) 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

CSC1 Construction Site Working Times - Condition

Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.