

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2023/91280 - Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD

Quarrying operations for the extraction of clay, shale and incidental coal and subsequent restoration by means of importation of inert wastes

Date Responded:
25th April 2024

Responding Officer:
NH

Responding Ref:
WK/202406829

This response deals with the contaminated land aspects of the application only.

Contaminated Land

An updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1) has been received in support of the application. 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 documents.

The updated Phase 2 report has included additional historic ground gas monitoring data and confirms the site is to be classified as CS2. Additional commentary has also been included in relation to the ground gas pathways. As no buildings are proposed and workers will be working outdoors, the level of risk has been assessed to be very low. In terms of the risks to off-site receptors, the report adds that the void created by the proposed quarry extension will offer a path of least resistance for migrating gases within the surrounding area which will then be able to vent to atmosphere.

The revised report also offers additional commentary in relation to the segregation and stockpiling of soils. The total volume of contaminated soils is estimated as 2,700m³. The contaminated materials will be stored as part of the screening mound, separated by a visqueen membrane. A layer of site sourced clay will also be placed at the base of this stockpile area as a precautionary measure to prevent leaching of contaminants. The plan states that this area will be cordoned off with post and wire fencing and clearly signed.

Regarding the re-use of these materials, the report explains that soils from the segregated stockpile may be suitable for restoration providing that they are subjected to a programme of soil testing in accordance with guidance that will be applicable at the time for the laying of clean cover soils.

Comments

The new information received to support the application satisfies the comments we raised in our response dated 22nd January 2024. Therefore, we accept the Phase 1 Preliminary GeoEnvironmental Risk Assessment, dated 23rd January 2023 (ref: 22007/P1/0) and updated Phase 2 Geo-Environmental Investigation Report, dated February 2024 (ref: 22007/P2/1) prepared by Silkstone Environmental Ltd and recommend the following conditions.

Recommendations

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Contaminated Soils Area and Storage Plan by Silkstone Environmental Ltd., dated February

2024 (drawing no. 22007/515) and the updated Phase 2 Geo-Environmental Investigation Report authored by Silkstone Environmental Ltd, dated February 2024 (ref: 22007/P2/1). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report 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. 189 and 190 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Upon completion of works in accordance with the above condition (CLC4), a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. The report must demonstrate that soils from the segregated stockpile indicated on the Contaminated Soils Area and Storage Plan by Silkstone Environmental Ltd., dated February 2024 (drawing no. 22007/515) are suitable for re-use before the laying of clean cover soils.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 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. 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.