Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91345 Dewsbury and District Hospital, Halifax Road, Dewsbury, WF13 4HS		
Erection of single storey building with roof top plant area to provide outpatient theatres, treatment rooms and consultant rooms with link to Boothroyd building, including demolition and remodelling of existing ramp and associated landscaping and drainage		
Date Responded: **24th October 2023**	**Responding Officer:** **NH**	**Responding Ref:** **WK/202332048**

Contaminated Land

Further to our comments dated 15th June 2023, the following documents have been received in support of the application:

- Gas Monitoring Summary Report authored by Key GeoSolutions Ltd, dated August 2023 (ref: 9202-002-R-01-0)
- Response to Comments Raised by Kirklees Environmental Health authored by Key GeoSolutions Ltd, dated October 2023 (ref: 9202-003-R-01-0)

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.

In our previous response, we sought clarification on several points:

1. **Ground gases:** Ground gas data has since been included in the Gas Monitoring Summary Report authored by Key GeoSolutions Ltd, dated August 2023 (ref: 9202-002-R-01-0). Six sets of gas monitoring were undertaken at all six monitoring points on site between 26th April 2023 and 23rd August 2023, and at a range of atmospheric pressures, including two sets at less than 1000mbar. Peak carbon dioxide concentrations reached 9.3% v/v, with a flow rate of 0.6 l/h. Oxygen depletion was also observed (min. 12.9% v/v). No methane was detected. The gas report concludes that the proposed building at Dewsbury & District Hospital is characterised as CS2 i.e., gas protection measures are necessary.

2. **Sampling methodology:** The response document reiterates that the report states that any made ground will be removed to a depth of 600mm and replaced with clean fill.

3. **Diesel generator:** The response document reads, '*Although no evidence of diesel leakages around the generator or in the ground encountered during the investigation and testing, there is still potential for contamination to be present locally around the generator*.' We are confident that suitable planning conditions can cover any potential contamination associated with the diesel generator.

4. **Groundwater Sampling and Monitoring**: Groundwater monitoring data has been provided and is discussed in the response report. Justification for the lack of groundwater sampling has been presented and is accepted.

5. **First Brown Metal Coal seam:** We understand that an additional investigation was undertaken in October 2023 to establish whether the First Brown Metal coal seam. The document advises that seven boreholes were drilled to 10m depth, and no coal were encountered and that the KGS report 9202-001-R-01 has been updated to revision 2 (9202-001-R-01-2) to include the results of this additional ground investigation.

While we acknowledge the submission of the new documents, we require sight of the KGS report (ref: 9202-001-R-01 revision 2) to validate the conclusions presented in the latest documents. As a result, our recommendations remain unchanged at this stage.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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

CLC3 Submission of Remediation Strategy – Condition
Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further 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 approved Preliminary Risk Assessment or the approved 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. 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.

NC10 Noise from Fixed Plant & Equipment - Condition
The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment is at least 5dB below the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.