

Farzana Tabasum
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2023/146047/01-L01
Your ref: 2023/91418

Date: 06 July 2023

By email: dc.admin@kirklees.gov.uk

Dear Farzana

**IMPORTATION OF INFILL MATERIALS TO RESTORE A FORMER QUARRY.
WOODHOUSE QUARRY, WOODHOUSE LANE, HOLMBRIDGE, HOLMFIRTH, HD9
2QR**

Thank you for consulting us on this application which we received on 4 July 2023.

We have no objection to this application and offer the following advice to the LPA and applicant.

Environmental Permit

This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here:
<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The applicant is advised to contact our National Permitting team to discuss the issues arising from the permit application process, or follow this link [Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](#)

Historic landfill

The proposed development is located on or within 250m of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long- and short-term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (eg sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site. Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. Environmental monitoring data from the site is available on our public register.

You should consider the potential risk to the development from landfill gas, ensuring that appropriate assessments have been carried out to identify potential risks. Where risks are identified you should ensure that measures to address these concerns are included as part of any planning permission. We advise seeking the views of your local planning authority's Environmental Health and Building Control departments to ensure that any threats from landfill gas have been adequately addressed in the proposed development. Where this includes building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site, you should consider the removal of permitted development rights to ensure that these prevention measures are not compromised by future alterations/extensions.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Land contamination

This development site appears to have been the subject of past industrial activity which poses a potential risk of pollution to controlled waters.

However, we are unable to provide site specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use

We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/ Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

Model Procedures

We recommend that developers should:

1. Follow the risk management framework provided in [CLR11, Model Procedures for the Management of Land Contamination](#), when dealing with land affected by contamination.
2. Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the [contaminated land](#) pages on GOV.UK for more information.

Use of waste on site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice;
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

Should you require any further information or clarification, please contact me.

Yours sincerely

Bev Lambert
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