

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92396 - adj, 9, Miry Lane, Thongsbridge, Holmfirth, HD9 7SA		
Discharge conditions 5 (materials), 8 (Phase 1 Desk Study Report), 9. (Phase II Site Investigation Report), 10 (Remediation Strategy) on previous permission 2020/91093 for erection of one dwelling		
Date Responded: 8th December 2023	Responding Officer: NH	Responding Ref: WK/202337992
<p>Condition 5 is outside the remit of Environmental Health.</p> <p>Condition 8 – Phase 1 Report Further to our comments dated 24th October 2023, we have received a Phase One Desk Study and Coal Mining Risk Assessment authored by Rogers Geotechnical Services Ltd, dated November 2023 (ref: C3096/23/E/4689). 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.</p> <p>The Phase I report presents an analysis of the site's historical land use and the surrounding land uses dating back to the 1800s. It also provides details of the environmental setting. The findings reveal potential contaminative uses on the site and/or adjoining land that may have implications for the proposed development and the surrounding environment. Noteworthy activities include, but are not limited to an historic Size and Bone Works and a nearby historic landfill. The report concludes, by proposing a ground investigation that includes a period of ground gas monitoring.</p> <p>We accept the Phase One Desk Study and Coal Mining Risk Assessment authored by Rogers Geotechnical Services Ltd, dated November 2023 (ref: C3096/23/E/4689) and recommend that Condition 8 is discharged.</p> <p>Condition 9 – Phase 2 Report In continuation of our comments dated 24th October 2023, we have received and reviewed the Phase 1 report for the site. Additionally, we have revisited the Phase 2 Environmental Report prepared by Rogers Geotechnical Services Ltd, dated November 14, 2023 (Ref: C3096/22/E/4693). Notably, this report references a prior Phase 1 desk study conducted by Envirosolution, stating that <i>'Envirosolution has quantified the site as a low risk for ground gas where no significant ground gas source has been identified nearby during the desk study.'</i></p> <p>However, the Phase 1 report by RGS identifies a potential risk from nearby landfill, and the Phase 2 report by RGS does acknowledge that monitoring would solidify the ground gas conclusions. Our records indicate that the nearby historic landfill primarily contained household wastes, with historical fluctuations in methane and carbon dioxide levels noted during spike testing.</p> <p>Due to these concerns, we are unable to accept the proposed CS3 measures without a period of ground gas monitoring to substantiate the conclusions. This is imperative to ensure the safe occupation of the site, aligning with policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.</p>		

For these reasons, we consider the Phase 2 Environmental Report prepared by Rogers Geotechnical Services Ltd, dated November 14, 2023 (Ref: C3096/22/E/4693) insufficient to discharge Condition 9 and recommend that Condition 9 remain until further notice.

Condition 10 – Remediation Strategy

A Phase 3 Remediation Strategy Report, authored by RGS Ltd. dated 20th July 2023 (ref: C3096/23/E/5507) has been received in support of the application to discharge Condition 10. 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.

We acknowledge the remediation strategy provided, however, we consider ground gas monitoring to be necessary for this site. Therefore, we cannot consider the remediation strategy until the ground gas regime is characterised in accordance with best practice guidance. Condition 10 must remain until further notice.

Recommendations

Condition 8 – Phase 1 Report

We accept the Phase One Desk Study and Coal Mining Risk Assessment authored by Rogers Geotechnical Services Ltd, dated November 2023 (ref: C3096/23/E/4689) and recommend that Condition 8 is discharged.

Condition 9 – Phase 2 Report

We consider the Phase 2 Environmental Report prepared by Rogers Geotechnical Services Ltd, dated November 14, 2023 (Ref: C3096/22/E/4693) insufficient to discharge Condition 9 and recommend that Condition 9 remain until further notice. The applicant must consider the points raised in the response and provide additional information.

Condition 10 – Remediation Strategy

We acknowledge the remediation strategy provided, however, we consider ground gas monitoring to be necessary for this site. Therefore, we cannot consider the remediation strategy until the ground gas regime is characterised in accordance with best practice guidance. Condition 10 must remain until further notice.