

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/92799 - adj, 19, Burnside Close, Birstall, Batley, WF17 0NS
Discharge conditions 3 (facing/roofing materials) ,4 (Phase I Desk Study Report), 5,6,7 (Phase II Site Investigation Report), 8 ,9,(Remediation Strategy), 10 (intrusive site investigations) on previous permission for erection of 2 semi-detached dwellings
Date Responded:
24th October 2023
Responding Officer:
NH
Responding Ref:
WK/202332284

Condition 3 is outside the remit of Environmental Health. Conditions 9 and 10 are Coal Authority conditions and are also outside the remit of Environmental Health.

Condition 4 – Phase 1 Desk Study Report

To discharge Condition 4, a Phase I Desk Study Report authored by RB Geotechnical dated December 2022 (ref: RBG326) has been received. 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. A Phase I report has been provided which assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site.

The document does not recommend soil testing for soil-borne contaminants, despite the site history. We would expect this to have been included in the recommendations. Nevertheless, given the information provided to date, we recommend that Condition 4 is discharged.

Condition 5 – Phase 2 Site Investigation Report

To discharge Condition 5, a Phase II Interpretative Report authored by RB Geotechnical, dated February 2023 (ref: RBG326) has been received. 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.

The report described the investigation undertaken at the site. Ground gas monitoring was completed over six occasions in three monitoring installations and revealed elevated carbon dioxide (3.7% v/v) and low flow rates (0.1 l/h). The resulting gas screening value suggests the site falls within CS1 i.e. no ground gas protection measures are necessary. Other key findings from the report include the presence of mineworkings/voids at the site.

We do not accept the report and require clarification of the following points:

1. We do not agree with the lack of soil testing given the risk from soil-borne contaminants given the site history as a garage/building that has been demolished. Was soil analysis considered (e.g. asbestos)?
2. No pressure trends for the ground gas monitoring appear to have been reported which is not in line with best practice guidance.
3. No groundwater levels have been reported. Clarification is necessary.
4. It is unclear whether the site levels will change as part of the development, and if so whether combustible materials have been considered. From the grouting report which is largely outside our remit in Environmental Health, it appears that coal was present in shallow horizons. Therefore, clarification is necessary.

For these reasons, we do not accept the report and recommend that Condition 5 must remain until further notice.

Condition 6 – Remediation Strategy

No remediation report has been received in support of this condition. Moreover, we consider it unclear at this stage whether remediation is necessary therefore Condition 6 must remain until further notice.

Condition 7 – Remediation

No remediation should have taken place at this site. In addition, this condition covers unexpected contamination. Therefore, we expect condition to remain until the development is complete.

Condition 8 – Validation Report

No validation report has been received. Therefore, we cannot comment on this condition at this stage.

Recommendations

Condition 4 – Phase 1 Desk Study Report

We do not agree with the Phase 1 report. However, in light of the documents provided to date which include a Phase 2 report, we recommend that Condition 4 is discharged.

Condition 5 – Phase 2 Site Investigation Report

We do wholly agree with the Phase 2 report provided. Therefore, Condition 5 must remain until further notice. The applicant must respond to the points raised in this response in any future submission.

Condition 6 – Remediation Strategy

No remediation report has been received in support of this condition. Moreover, we consider it unclear at this stage whether remediation is necessary therefore Condition 6 must remain until further notice.

Condition 7 – Remediation

No remediation should have taken place at this site. In addition, this condition covers unexpected contamination. Therefore, we expect condition to remain until the development is complete.

Condition 8 – Validation Report

No validation report has been received. Therefore, we cannot comment on this condition at this stage.