

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

2023/93079 The Old Quarry Bank End Road, Bolster Moor, Huddersfield, HD7 4JN

Reserved matters application pursuant to outline permission 2022/92592 for outline permission seeking access for erection of residential development (one dwelling) and removal of portal framed commercial building and outbuildings and cessation of builders' yard/compound

Responding Date:
23rd January 2024

Responding Officer:
SR

Responding Ref:
WK202401715

Comments

We have reviewed our comments dated the 20th of December 2023 following the submission of an email dated the 11th of January 2024, we are grateful for the clarification and have reviewed all of the submitted documents.

Based on the information provided we accept the revised Phase 1 report by GEOENVIRO Solutions Limited, dated December 2023.

As groundworks are necessary at the site and sources of contaminated may be discovered during site clearance and preparation, we recommend a condition in regard to unexpected contamination.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.