

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/93407 - Bylands, 11A, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EL

Discharge conditions 4 (site boundaries), 6 (drainage), 7 (Phase I Ground Investigation), 8 (Phase II Ground Investigation), 9 (Remediation Strategy) on previous permission 2022/94042 for variation condition 2 (Plans) on previous permission 2021/92937 for demolition of existing stable and erection of detached dwelling (part within a Conservation Area

Date Responded:
19th March 2024

Responding Officer:
NH

Responding Ref:
WK/202404150

Conditions 4 and 6 are outside the remit of Environmental Health.

Condition 7 – Phase I Desk Study Report

Condition 7 on previous permission requires the submission and approval of a Phase I Desk Study Report. This is wrongly described in the application description.

A Phase I Preliminary Contamination Risk Assessment authored by Geol Consultants Ltd, dated September 2023 (Ref: GEOL23-7915) has been received in support of the application to discharge Condition 7. 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 reports.

The Phase I report assesses the environmental setting of the site and historical land use information. Several potential pollutant linkages have been identified and the report concludes that a site investigation is necessary, including the retrieval of soil samples for chemical analysis and a ground gas risk assessment.

We accept the report and agree that further investigation is required. For the reasons detailed above, we recommend that Condition 7 should be discharged.

Condition 8 – Phase II Ground Investigation

In our previous comments, we commented on a Phase II Ground Investigation Report authored by Geol Consultants Limited, dated 14th September 2023 (ref: GEOL23-7915) that had been received in support of the application to discharge Condition 8. We raised six points that required clarification. In response, we have received a Letter authored by Geol Consultants dated 8th December 2023. The letter includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the letter and should be read alongside our comments dated 28th November 2023.

In response to points 1, 3,4, 5 and 6 no further comments to make as the letter satisfies our queries. In response to our query related to the sampling methodology, Geol responded:

‘The PCRA included a review of the site history which indicates the site was greenfield until around 1893 when the site was developed with a single building. The site has largely remained unchanged since this time. This information was used to develop the conceptual site model which identified no significant sources of contamination and assigned a LOW risk

of contamination. Therefore, this information was used to cost effectively investigate the soil contamination (if any), refine the sampling locations and identify samples for laboratory analysis. Laboratory testing on the shallow soils indicated no significant contamination was encountered during this investigation, reflecting the initial assumptions in the PCRA, with the exception of one sample with elevated lead. In addition no visual or olfactory evidence of contamination was noted during this fieldwork. Therefore the testing is considered entirely appropriate to the development.'

We acknowledge the response, however, given the proven elevated lead, the size of the site and the sensitive end-use, we do not accept the response, and expect additional/justification evidence to confirm the contamination status of the site. To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework, Condition 8 must remain until further notice.

Condition 9 – Remediation Strategy

We are unable to provide additional comments in relation to the Remediation Method Statement authored by Card Geotechnics Limited dated November 2023 (ref: CGN/05203 - Revision 1) at this time and recommend that Condition 9 remain until further notice.

Recommendations

Condition 7 – Phase I Desk Study Report

The Phase I Preliminary Contamination Risk Assessment authored by Geol Consultants Ltd, dated September 2023 (Ref: GEOL23-7915) is accepted and Condition 7 should be discharged.

Condition 8 – Phase II Ground Investigation

We do not accept the Phase II Ground Investigation Report authored by Geol Consultants Limited, dated 14th September 2023 (ref: GEOL23-7915) at this time and recommend that Condition 8 remain until further notice.

Condition 9 – Remediation Strategy

We are unable to provide additional comments in relation to the Remediation Method Statement authored by Card Geotechnics Limited dated November 2023 (ref: CGN/05203 - Revision 1) at this time and recommend that Condition 9 remain until further notice.