

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2023/93658 - 10, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW**
**Demolition of existing detached bungalow and detached garage and erection of two detached dwellings**
**Date Responded:  
17<sup>th</sup> September 2024**
**Responding Officer:  
NH**
**Responding Ref:  
WK/202429517**
**Contaminated Land**

Following our comments dated 11th July 2024, we have reviewed a Phase 2 report authored by Rogers Geotechnical Services Ltd, dated 30<sup>th</sup> August 2024 (ref: C4149/24/E/6905). The report includes geotechnical information beyond the scope of Environmental Health, therefore our response addresses the land contamination aspects only.

The Phase 2 investigation builds upon the preliminary risk assessment (ref: C4149/24/E/6338) by assessing potential pollutant linkages identified in that earlier report. Soil sampling was conducted at three locations across the site (TP01-TP03), and laboratory analysis of the samples indicates that while some contaminants were detected, their concentrations remain below the adopted assessment criteria for a residential use with plant uptake scenario.

The updated conceptual site model and risk assessment, presented in Table 5 of the report, concludes that no significant source-pathway-receptor linkages exist that would pose a risk to the intended end-use of the site. Consequently, RGS has determined that no remediation is necessary. However, the report does include a recommendation for an inspection of the subgrade during any groundworks. Should contamination be encountered during these works, RGS have also recommended that additional testing and risk assessment would be required.

We accept the Phase 2 report authored by Rogers Geotechnical Services Ltd, dated 30<sup>th</sup> August 2024 (ref: C4149/24/E/6905) and revise our recommendations.

**Recommended Conditions**

**NB:** These conditions should replace those outlined in our previous responses dated 5th January 2024 and 11th July 2024 and be applied to any approval granted for the proposal.

**CLC6 Reporting of Unexpected Contamination - Condition**

If 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. 189 and 190 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. 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.

#### **CSC1 Construction Site Working Times - Condition**

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

#### **CSF1 Construction Sites working times – Footnote**

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited