

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

2024/90899 - Newlay Concrete, Thornhill Works, Calder Road, Ravensthorpe, Dewsbury, WF12 9HY

Erection of concrete batching plant, single storey office block and installation of concrete pad

Responding Date:
27th September 2024

Responding Officer:
SR

Responding Ref:
WK202429653

Comments

These comments relate to contaminated land only.

Contaminated Land

Further to our comments dated 7th May 2024 and the 3rd of September 2024, we have received and reviewed the following documents:

- Stage 1 Geo-Environmental Desk Study Report authored by ARP Geotechnical Ltd, dated 6th June 2024 (ref: NCL/03r1)
- A letter authored by ARP Geotechnical Ltd, dated 5th September 2024(ref: NCL/03/OGjcl4)
- A letter authored by ARP Geotechnical Ltd, dated 1st August 2024 (ref: NCL/03/WWjcl2)
- A Stage 2 Geo-Environmental Report authored by ARP Geotechnical Ltd, dated August 2024 (ref: NRL/01r1)

In our comments dated the 3rd of September 2024, we informed a phase 1 report was lacking. This has now been provided. The site history and environmental setting since 1855 have been listed, the potential pollutants associated with the site usage have been identified.

The conceptual site model presented on page 17, attributes a low to moderate or moderate risk rating to several potential pollutant linkages and it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

We accept the report.

The Stage 2 Report dated August 2024 is incomplete in that results of gas monitoring are not provided. We acknowledge the report has conducted intrusive investigation and in order to move the application forward we accept parts of the Phase 2 report but because the intrusive investigation is incomplete cannot fully accept it and therefore recommend conditions in relation to contaminated land.

We would remind the planner that all conditions previously recommended not relating to contaminated land remain.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Groundworks (other than those required for a site investigation report) shall not commence until a complete Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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

CLC3 Submission of Remediation Strategy - Condition

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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.