

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:
1st October 2024

Responding Officer:
SR

Responding Ref:
WK202431608

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 additional information in the form of an Email containing a Ground Gas Risk Assessment authored by ARP Geotechnical Ltd, dated the 18th of September 2024 (ref: NCL/03/WWjcl5)

We have reviewed the assessment , which concludes the Phase 2 report. The assessment concludes that a characterisation Situation of CS1 is applicable to the site and thus no gas protection measures are required. The report has considered the elevated CO₂ reading and argued the flow rate would have to increase by a magnitude of over 10 to achieve Characteristic Situation of CS2. Based on the information provided in the assessment we accept the Phase 2 report.

As the site has a coal legacy and ground works will be undertaken during the development we recommend a condition in relation to unexpected contamination. For ease of reference, we list the condition below.

We would remind the Planner that our response dated the 7th of May 2024, made additional recommendations in relation to dust management, and construction times with advisories in relation to Drainage and Environmental Permitting, these must remain.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings 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.