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Mr W Noteman
Unity Housing Association Ltd
113-117 Chapeltown Road,
Leeds
LS7 3HY

BY E-MAIL

Our Ref: UHA/13/l2/AMJ

21st June 2024

Dear Wayne,

Plane Street, Huddersfield
Response to Kirklees Council Environmental Health Consultation Letter (Condition 5)

ARP produced a remediation statement for the site dated 25th March 2024 (reference UHA/13rem1) and this has now been reviewed by the Environmental Health Department (of Kirklees Council).

The consultation response from Kirklees Council dated 13th June 2024 (reference WK/202417580) states that the remediation statement is not accepted and that further clarification of the remediation proposals are needed.

A number of comments/queries are provided by the council in their letter as to why the remediation statement is not accepted. These comments are addressed below with the intention of the proposed remediation strategy being accepted and condition 5 attached the development being discharged.

The Councils comments are included in italic text and the ARP responses are in plain text below.

Based on the Phase 2 investigation, the approved Phase 2 report specified that the site material is deemed unsuitable for re-use due to composition and contamination. However, the proposals (of the remediation statement) appear to include the possible reuse of site-won material, which appears contradictory.

The proposals within the ARP remediation statement are for any/all existing topsoil to be removed from site as this material is considered unsuitable for re-use on site in garden and POS areas. To be clear, the topsoil is relatively thin and there does not appear to be significant subsoil on site, but this subsoil will be treated as topsoil and removed from site also.

The made ground on site, if present within gardens or any soft landscaping areas, requires a clean cover as prescribed by the remediation statement. It is not planned to move or re-use this made ground material within garden or soft landscaped areas, unless proposed levels result in the made ground being excavated. In which case, the made ground would be taken off site or possibly used in hardstanding areas if deemed geotechnically suitable.

The only site won material that is proposed (possibly) for re-use within the remediation statement is natural clay material that could be excavated as foundation and sewer arisings (and used as part of the lower clean cover material). It is noted that at one point in the remediation statement (section 5.1) it does mention site won uncontaminated subsoil, but 'subsoil' in this case is referring to natural deeper

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material and not subsoil directly below any topsoil material.

As part of the remediation statement it details how any site won natural material (along with any imported material) to be used within the cover system requires testing at a frequency as prescribed by the YALPAG "Guidance on the Verification Requirements for Cover Systems".

Therefore, it is only site won natural material that is proposed to be re-used and this material will be tested to ensure it is free from significant contamination and is suitable for re-use on site (where it is intend to be placed). If contamination is identified within the natural material then this will not be re-used (please see our response to the below comment).

We also consider there to be insufficient testing of soils beneath the made ground, which raises concerns about whether complete removal (if chosen) would effectively mitigate contamination risks without the application of a clean cover system.

Looking back into the third party reports, there is only one sample of natural ground that is tested (TP2 at 0.4m in the original Solmek Phase 2 Report) and this does show some elevations of contamination (arsenic and some PAH compounds). This is considered either indicative of made ground contaminating the sample (the laboratory description is sand and stones which is consistent with the made ground tested in other samples) or possibly a fragment of coal (arsenic and PAH compounds are often concentrated in coal fragments).

This sample is considered highly unlikely to be representative of the overall natural ground on site (mudstone and clay) based on ARP's significant history of testing natural ground in this area of the County (including clays and mudstones within Coal Measures strata). However, to provide certainty, we propose that when site works commence, at an appropriate time, ARP will recover six samples of the natural ground for laboratory testing, with sample locations spread out over the site. This will be in addition to the testing undertaken at the required frequency in line with the YALPAG guidance mentioned above, for natural soils used in the clean cover. If the natural soils identify elevated contamination then the site will need an imported clean cover system above them (the same as any remaining made ground) and the natural materials from the foundation and sewer arisings will not be re-used on site.

The two comments, which have been addressed above, are the only comments provided as to why the remediation statement is not acceptable. Therefore, it is assumed that that, if the comments above are considered adequately resolved, then the rest of the proposals in the remediation statement are acceptable (for example, clean cover thicknesses and testing regimes).

We trust the above information and meet your requirement. However, if you have any queries, please do not hesitate to contact us at your convenience.

Yours sincerely
for ARP GEOTECHNICAL LTD

A M Jones

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Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91552 - former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF		
Discharge of conditions 6 (Remediation Strategy) and 9 (intrusive investigation) on previous permission 2020/92067 for erection of 30 dwellings		
Date Responded: **13th June 2024**	**Responding Officer:** **NH**	**Responding Ref:** **WK/202417580**

Condition 9 on previous permission 2020/92067) relates to the coal mining legacy at the site. We recommend that the Coal Authority are consulted in relation this condition. We acknowledge an overlap in relation to ensuring safe development, however this aspect is covered in Condition 5 which is within the remit of Environmental Health.

Condition 5 – Remediation Strategy
A Contamination Remediation Statement report by ARP, dated 25th March 2024 (ref: UHA/13Rem1) has been received in support of the application to discharge Condition 5. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

We have reviewed the document provided and disagree with the proposals. The remediation plan addresses soil contamination in the made ground soils at the site, proposing either complete removal of the made ground or the application of a clean cover system. The clean cover proposals vary for gardens (150mm topsoil, 450mm subsoil, high-viz geo-membrane) and public open spaces (150mm topsoil, 150mm subsoil, high-viz geo-membrane). The report states that on-site topsoil is unsuitable for re-use, requiring testing of site-won subsoil or imported topsoil for suitability.

Validation proposals are then given. Once the site has been stripped of made ground, ARP will confirm the removal. Where clean cover is applied, it is proposed that this is placed progressively around a group of plots to limit cross contamination once place. The strategy also proposes depth verification by hand pit, at a rate of one pit ever three plots and pits of a maximum 25m spacing on public open space. Photographic evidence will also be provided.

Our issues with the proposals are as follows. Based on the Phase 2 investigation, the approved Phase 2 report specified that the site material is deemed unsuitable for re-use due to composition and contamination. However, the proposals appear to include the possible re-use of site-won material, which appears contradictory. We also consider there to be insufficient testing of soils beneath the made ground, which raises concerns about whether complete removal (if chosen) would effectively mitigate contamination risks without the application of a clean cover system.

Therefore, further clarification on the remediation proposals are needed before Condition 5 can be considered for discharge, at which point Environmental Health consultation is advised.

<u>Recommendations</u>
Condition 5 – Remediation Strategy
We do not accept the Contamination Remediation Statement report by ARP, dated 25th March 2024 (ref: UHA/13Rem1) and further clarification on the remediation proposals are needed

before Condition 5 can be considered for discharge, at which point Environmental Health consultation is advised.