

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2024/92394 Land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton</b>		
<b>Development of an attenuation basin and associated access relating to planning permission 2021/92801</b>		
<b>Responding Date:</b> 11 <sup>th</sup> February 2025	<b>Responding Officer:</b> SR	<b>Responding Ref:</b> WK202503611
<p><b><u>Comments</u></b></p> <p>We have reviewed the application and supporting information, we offer the following comments. The application concerns the construction of an attenuation pond that will service the adjacent housing development.</p> <p><b><u>Contaminated Land</u></b></p> <p>In support of the application a Phase I Environmental Assessment by Vertase FLI Limited, issue 2, Revision A, dated 27/01/2025 has been submitted. We have reviewed the report. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.</p> <p>A summary of site uses since 1854 is presented in Table 1, with the site having remained land, unchanged, associated with the larger Merchant fields/Merchant House site.</p> <p>No historical contaminated land reports were available for the site but several reports relating to the associated housing development have been quoted as sources of information for this report. We have provided comments on one of the reports mentioned and noted that off site sources included former landfill and inorganic contaminants associated with made ground, we do not believe these have been considered in the desk top appraisal of this site.</p> <p>The report identifies that past coal mining has been undertaken below the site and there is possibly a coal outcrop at the site that is likely to be the Wheatley Lime seam. Section 7 of the report suggests that there is no evidence of coal legacy impinging the site and no historic industrial land use has been shown to site which could introduce contamination. The site is historically associated with a farm which may have stored agricultural supplies or machinery on the site which has not been considered. No site walkover has been undertaken to provide visual or olfactory information to the phase 1 report.</p> <p>Section 8.3.2 of the report mentions excavation and reuse of soils, but no detailed information as to the end use of the soils is mentioned.</p> <p>The conceptual site model and conclusion of the report presented in section 9 &amp;10 contain contradictory information in that all risk has been identified as very low but further intrusive investigation, including taking soil samples is proposed with no detail as to specific testing.</p> <p>For the reasons stated above we are unable to accept the Phase I Environmental Assessment by Vertase FLI Limited, issue 2, Revision A, dated 27/01/2025 and recommend conditions in relation to contaminated land.</p>		

## **Recommended Conditions**

### **CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition**

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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 197 of the National Planning Policy Framework

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

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a 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 197 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 197 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). In the event that 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 197 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

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 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.