

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/92394 Land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton		
Development of an attenuation basin and associated access relating to planning permission 2021/92801		
Responding Date: 26 th February 2025	Responding Officer: SR	Responding Ref: WK202505457
<u>Comments</u> Following our comments on the 11th of February 2025, a revised Phase I Environmental Assessment by Vertase FLI Limited, ref: 1874HHL-P1 v2 RevB, dated 19/02/2025 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. Section 8.3.2 clarifies that re-use of site soils is related to construction of the attenuation pond. There is no information within the report regarding any imported materials that may be necessary for construction or specifics regarding how site won soils are to be placed, we therefore recommend a condition in relation to any imported materials to ensure no contamination is brought onto site. Section 8 of the report only identifies workers associated with the attenuation pond, we note that the conceptual site model presented in table 9 indicates there are other receptors including future site users and offsite residential receptors. Table 9 informs <i>"should any made ground/contamination be observed during the course of the geotechnical investigation/construction representative soil samples would be taken for laboratory analysis."</i> The risk has been determined as very low by Vertase FLI, we accept this but remind the applicant that the area has an adjacent public footpath and borders residential housing thus it is likely to be used by the public, thus a strict watching brief must be maintained and we recommend a condition in relation to unexpected contamination. Recommended Conditions CLC6 Reporting of Unexpected Contamination – Condition If made ground/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 2021. 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.

LQ1 Imported Materials

Should materials be imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved 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 until a Verification Report 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.