

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/93226 - land at, St Luke's, Bierley Marsh, East Bierley, BD4 6PL		
Discharge of details reserved by conditions 3 (Ecological Design Strategy), 4 (Condition Survey of Bierley Marsh), 6 (Construction Management Plan), 7,9 (Intrusive Investigation Phase2 SI), 14,15 (Boundary Treatment, Hard and Soft Landscape) on previous permission 2024/93227 (APP/Z4718/W/21/3289729) for erection of 5 dwellings		
Date Responded: 2nd July 2025	Responding Officer: NH	Responding Ref: WK/202517207
The Phase 2 condition for this consultation was incorrectly referred to in our previous response. We believe that Condition 9 is within the remit of Environmental Health and 8 falls outside our remit. To clarify we have reviewed and accepted information received in support of the Phase 2 condition and have recommended its discharged (6th May 2025, WK/202510782) Part of the information received was a Phase 2 document and within the appended information was a remediation strategy. It appears that the applicant has not applied to discharge Condition 10. We believe this is the condition relevant to a remediation strategy in relation to contaminated land matters. Any future application to discharge Condition 10, must aim to satisfy these comments to overcome EH objection. <u>New information</u> A Supplementary Sampling Letter by ARP Geotechnical Ltd (30th May 2025, ODL/01/I4/WW) has been received in support of the application. 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. The report describes supplementary sampling around WS3 undertaken by ARP Geotechnical Ltd on 19th May 2025. Seven hand pits (HP01–HP07) were excavated to depths of 0.2–0.6m, and ten samples (seven topsoil samples from HP01 to HP07 and three subsoil samples from HP01, HP03 and HP04) were tested for a suite of contaminants including metals, PAHs, TPH, and asbestos. Results showed that five of the seven topsoil samples (HP03–HP07) exceeded screening values for residential use with home-grown produce. Specifically, arsenic exceeded in HP05 (40 mg/kg), HP06 (70 mg/kg), and HP07 (49 mg/kg), while lead exceeded in HP06 (250 mg/kg). The 95% Upper Confidence Level (UCL) for arsenic was calculated at 47.9 mg/kg, above the screening value of 37 mg/kg, with no statistical outliers, making it representative of the site-wide topsoil. For lead, WS3 was identified as an outlier; excluding it brought the 95% UCL below the screening threshold. Exceedances were also identified for benzo(b)fluoranthene (3.9 mg/kg), however no elevated concentrations of benzo(a)pyrene (BaP) were detected. The natural clay subsoil, tested at four locations, showed no exceedances and no asbestos. ARP consider it suitable for use on site. RP conclude that all remaining topsoil should be removed due to the arsenic exceedance, and that validation will be required following removal. As the underlying natural clay is considered suitable, ARP have advised that a clean cover system is not necessary for contamination mitigation. Any imported soils must be verified in accordance with YALPAG		

guidance, and any unexpected contamination encountered during works must be sampled and assessed before proceeding.

Comments

We acknowledge the report provided and the additional testing that has been completed to supplement the existing site investigation. Generally, the additional testing is accepted, however, the new report fails to propose additional testing of the excavated areas to confirm all contaminated soils have been removed. The clay soils tested to date have been limited to four, and we would expect additional testing to confirm the vertical extent of identified hotspots to be proven. It is also unclear whether the removal of topsoil extends to the made ground topsoil at WS6, as existing proposals were in place for remediation in this area.

Recommendations

The contaminated land consultant needs to address these points in writing to the Planning Officer to move forward with the planning permissions. Any future application to discharge Condition 10, must aim to satisfy these comments to overcome EH objection.