

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2024/93598 Land east of, Crosland Road, Lindley, Huddersfield, HD3 3SU

Discharge of condition 11 (validation report) on previous permission 2020/90442 for variation condition 2 (plans) on previous permission 2016/92055 for erection of 109 dwellings with associated works

Date Responded:
 Friday, 06 February 2026

Responding Officer:
 Hannah Kent

Responding Ref:
 WK/202533067

Thank you for consulting Environmental Health for the discharge of condition 11 (validation report) on previous permission 2020/90442 for variation condition 2 (plans) on previous permission 2016/92055 for erection of 109 dwellings with associated works.

Condition 11 states:

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

The applicant has previously submitted a Remediation Statement Report No 1823/1, authored by Lithos identifying the proposed remediation strategy. The report introduces the site, and the intention of the statement, summarising previous investigations, confirming that:

“No significant contamination was reported across the wider site, and this Remediation Statement is therefore concerned with the northwest corner only. However, there are other issues (associated with coal etc) that affect the wider site, and these are also considered”.

The strategy aimed to resolve the contamination issues thus protecting environmental receptors, rendering the site suitable for the proposed development. The Lithos Remediation Statement detailed the following works:

- Decommissioning boreholes
- Site clearance
- Supplementary investigations to confirm the lateral extent of residual made ground (identified by Patrick Parsons in the northwest) was to be confirmed during the site preparatory works
- Address any shallow coal encountered (most likely Plots 44 to 66)
 - by taking foundations through the coal seam, into underlying natural in-situ strata of adequate bearing. The full thickness of coal should then be sealed with concrete to create a trench fill foundation. To prevent the ingress of air, the mass concrete fill should be placed as soon as possible after exposing the seam.
 - shallow coal in gardens - where coal is recorded within the uppermost 1m or so, then excavate an inspection pit in the rear garden. Further advice should be sought from Lithos during the construction phase.

- Grouting of the shallow “Middle Band” coal, however, the excavation should be deepened, if necessary, through this seam, if any residual coal is exposed at formation level.
- Gas protection measures are required as outlined in BS8485:2015 (for Characteristic Situation 2, and Building Type A), modified by Lithos to reflect that the gas regime would be classed as Green in accordance with the NHBC (traffic light) methodology Characteristic Situation 2 / Green should be incorporated in all new dwellings.
 - A combination of two or more of the three types of protection measures (slab, ventilation & membrane) is recommended, and
 - Lithos’ classification as Green\CS2 precludes the need for membrane validation of every plot. However, Lithos recommend inspection of the membrane of the first plot before it is covered, and thereafter 1 in 20 plots.
- Placement of a minimum of 600mm thickness of clean inert soil (comprising 450mm subsoil and 150mm topsoil) should be placed over the made ground in proposed garden and landscaped areas (but not beneath hardstanding) in the northwest. Alternatively, given the apparently isolated nature of the made ground, prior to commencement of construction it could be ‘chased out’, excavated and subsequently isolated beneath hardstanding.
 - Any subsoil sourced on site would be subject to the Engineer’s approval, and
 - Any material imported for use as cover should be validated in accordance with chemical assessment criteria which should not be exceeded.

The applicant has submitted the following documents with this application:

- a) Completion Report for the Investigation and Treatment of Mineworkings, Report SDL3556, prepared by Sirius Drilling Ltd, dated August 2018
- b) Remediation Statement Report No 1823/1, authored by Lithos (previously submitted for the DoC 9)
- c) Gas Membrane Installation Validation letters for plots 1-2, 3-12, 13-25, 26-33, 34-42, 43-55, 56-58, 69-91 and plots 100-109 – confirming that gas validation has been concluded for most of the site.

The submitted information is not a Validation Report and does not confirm that any contaminated land remediation has occurred on the site.

Environmental Health are therefore unable to recommend the discharge of condition 11.

- Condition 11 is clear in its requirements, in that, the approved Remediation Strategy should be followed, or, where necessary, a revised Remediation Strategy should be submitted for approval.
- Then a Validation Report requires submitting, demonstrating compliance with the approved Remediation Strategy.