

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90090 - East Bierley Community Sports Association, Hunsworth Lane, East Bierley, BD4 6PU		
Variation of conditions 2 (plans and specifications), 14 (remediation) and 22 (ground conditions) and deletion of condition 13 (remediation) of previous permission 2021/90357 for works to existing sports facilities – amendments to layout, removal of pre-commencement trigger from condition 22, and removal/variation of remediation requirements.		
Date Responded: 10 th February 2025	Responding Officer: NH	Responding Ref: WK/202503088
<p>The application seeks permission to vary condition 2, 14, 22 and remove Condition 13.</p> <p>Condition 22 is outside the remit of Environmental Health.</p> <p>Condition 2 – Plans and Specifications (Variation of Condition) We note the applicant seeks to vary Condition 2, and acknowledge the changes in pitch size. Environmental Health have no objections to the variation of condition 2.</p> <p>Condition 13 – Remediation Strategy (Deletion of Condition) Condition 13 requires the submission of a remediation strategy for the site. We acknowledge the submission of a Ground Investigation Report by Soiltechnics (January 2023, STU-5725-G01 Rev B) in support of the application to remove Condition 13. The report includes geotechnical 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>The document outlines additional testing conducted beyond the RGS reports previously submitted as part of the permission. During Phase 1 investigation works, asbestos was detected in a composite sample of the topsoil. Following quantification, the total concentration of asbestos was found to be 0.001% w/w. Subsequent testing of twelve additional topsoil samples across the development site found no further traces of asbestos. Further sampling and testing for PAH contamination were also carried out, with Soiltechnics stating that all concentrations of PAHs measured fall below the respective guideline values. They do not recommend any remedial action as part of the development. Finally, the report revisits the ground gas assessment, asserting that the CS2 designation is ‘overly conservative.’</p> <p>While we acknowledge the additional testing presented in the report, there are still limitations to the information presented to date. There is minimal testing of the existing pitches, no testing of the southern part of the site, and insufficient clarification regarding the regrading of the site and how any material will be verified as suitable for the intended use. Moreover, we continue to consider remediation necessary for the presence of asbestos and hydrocarbons identified earlier, and the justification to revise the ground gas risk to CS1 in the current report remains inadequate. For these reasons, we do not accept the report as it stands.</p> <p>Ultimately, we expect the submission of a remediation strategy that satisfies Condition 13, demonstrating how the site will be made suitable for its intended end use. We are open to considering a variation of Condition 13 to allow groundworks to commence for part of the site, provided the consultant incorporates a zonation of the site based on the information available</p>		

to date (or additional information, if deemed necessary). In accordance with the National Planning Policy Framework (2024), paragraph 197, when a site is impacted by contamination or land stability issues, the responsibility for ensuring a safe development lies with the developer and/or landowner.

Condition 14 – Remediation (Variation of Condition)

We note that the decision notice for the previous permission (2021/90357) included the following wording for Condition 14: '*This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.*' The applicant seeks to vary the wording of Condition 14 by removing this pre-commencement aspect and instead beginning the condition with 'following commencement of work on site.'

Condition 14 requires the remediation of the site in accordance with the Remediation Strategy approved under Condition 13. As this condition also addresses unexpected contamination, it remains in place until the development is completed, and all contaminated land conditions have been satisfied.

We partially support the applicant's proposal to remove the pre-commencement wording (shown in italics above), but we do not accept the inclusion of "following commencement of work on site," as we believe this additional trigger is unnecessary if the pre-commencement wording is removed. The planning officer should ensure Condition 14 remains on any variation granted to ensure safe occupation of the site.

Recommendations

Condition 2 – Plans and Specifications (Variation of Condition)

No objection to the variation of Condition 2.

Condition 13 – Remediation Strategy (Deletion of Condition)

We object to the deletion of Condition 13.

Condition 14 – Remediation (Variation of Condition)

The planning officer should refer to our response for detailed recommendations in relation to this condition.