

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

**2023/90428 - Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU**

**Discharge condition 14 (Phase II Intrusive Site Investigation Report) on previous permission 2019/90527 for outline application for erection of up to 127 dwellings with details of access**

**Date Responded:**  
**27<sup>th</sup> March 2023**

**Responding Officer:**  
**NH**

**Responding Ref:**  
**WK/202304759**

The applicant is seeking partial discharge of Condition 14 in respect of Phase 1 of the development.

**Condition 14 – Remediation Strategy**

Condition 14 on previous permission requires the applicant to submit a Remediation Strategy. For clarification, this has been wrongly described in the planning application description.

In support of the application to discharge Condition 14, we have received a document titled, 'Remediation Statement & Validation Proposal Sheets' by Arc Environmental dated 31<sup>st</sup> January 2023 (ref: 22-110). This consultation response only relates to land contamination. Geotechnical concerns are outside the remit of Environmental Health.

The report explains that the site has been divided into 2 Phases with Phase 1 encompassing the grassed fields to the east and Phase 2 encompassing the majority of the existing car park to the west/southwest. It is also understood that, at this time, Vistry Partnership only intend to develop Phase 1 (where no contamination was identified during the IFA investigation) and not the Phase 2 area. Furthermore, it is understood that most of the existing car park within Phase 2 is intended to remain as a car park.

Within the Phase 1 part of the site, Area A and Area B encroach into the Phase 1 area. The report advises that Area A is below a proposed road/hardstanding area, so the source-pathway-receptor pollutant linkage will not exist and the made ground can remain in-situ with no requirement to incorporate clean cover materials. However, it is recommended that if the proposed layout changes then a 're-assessment of the of the potential risk would need to be carried out.'

For Area B, a minimum 600mm thick cover, with a suitable basal geotextile marker/separator, is recommended. The report adds that if no impacted made ground remains below proposed gardens / soft landscaping (i.e. has been completely removed), then no formal cover system should be required just an adequate depth of clean topsoil to act as a growing medium. Validation proposals for the placement of clean cover have been provided In Section D of the report.

Concerning ground gas protection measures, the report advises that a combination of protection elements taken from Tables 5, 6 & 7 (contained within BS8485) should be implemented and installed by qualified and experienced specialist contractors. Any gas protection measures chosen should meet a minimum gas protection score of 3.5 points. A combination of elements is then provided in the report. The report later recommends that these are verified in accordance with BS8485 and C735 guidance.



Figure 1 – A plan showing the approximate Phase 1 (red) and Phase 2 (blue) site boundary and Area A and B extents within the Phase I boundary, taken from the Proposed Residential Development Plan by Arc Environmental dated 1<sup>st</sup> February 2023.

In relation to imported topsoil or site won material the report advises:

‘Any topsoil and subsoil (either site-won and / or imported), for use in gardens and areas of soft landscaping should be suitably screened and tested for human health assessment prior to re-use / delivery, with these results sent to Arc Environmental Ltd, a minimum of 1 week

before delivery to site. To confirm the suitability of these materials, validation testing will be required following emplacement and / or importation onto site in accordance with the YALPAG guidance.'

The assessment criteria for cover soils are provided in Table 2 of the report. Finally, contingency measures for unforeseen contamination are provided.

### **Recommendations**

#### **Condition 14 – Remediation Strategy**

We accept the 'Remediation Statement & Validation Proposal Sheets' by Arc Environmental dated 31<sup>st</sup> January 2023 (ref: 22-110) and recommend the partial discharge of Condition 14 in relation to Phase 1 of the site covered by previous permission 2019/90527.