

Your ref:

Our ref: ADJ/DJM/11480

Date: 28th May 2025

Mr. M. Ballantyne
Lovell Partnerships Limited
Unit 3 Turnberry Park
Gildersome
Leeds
LS27 7LE

By Email Only

Dear Mark

**Greenside Mills, Skelmanthorpe
Revised Risk Assessment and Validation Report No. 4475**

Michael D Joyce Associates LLP was commissioned by Lovell Partnerships Limited to carry out additional testing and reporting to address concerns regarding remediation on the above named site.

Kirklees Council namely uncertainty regarding the groundworks to date, and possible cross-contamination;

The site was identified as potentially contaminated by Environmental Health (our reference 139/17). An intrusive investigation conducted by Sirius Group has confirmed contamination. On 17th April 2024, during a meeting with Sirius Group regarding the discharge of condition applications (2022/93965 & 2023/93622), Environmental Health raised concerns about demolition and clearance activities carried out by third-party contractors in the Summer of 2023.

In April 2024, Environmental Health was informed of significant alterations to the site's topography, compared to that described in the Sirius reports reviewed to date. There is potential mixing and disturbing of materials due to uncontrolled stockpiling and material management of demolition wastes, which could present risks and introduce new sources of contamination. Several soil stockpiles were identified across different areas of the site. This included black-stained soils stockpiled in an area to the east of the site. We question whether this black-stained soil is from the pond which was identified in the pond in, flagged by Sirius Group and Environmental Health as needing additional ground investigation work.

Contin....



Registered Office: 531 Denby Dale Road West, Calder Grove, Wakefield, West Yorkshire, WF4 3ND (Reg No. OC 302905)

T +44(0)1924 360458 **E** mdja@geoenvironmental.co.uk **W** www.geoenvironmental.co.uk

Partners: Anthony D Joyce BSc MSc ARSM CEng CGeol CEnv MICE FGS SiLC

Lucie A M Joyce BSc (Hons) Edward L H Joyce BSc (Hons)

For Environmental Health to recommend the discharge of contaminated land conditions, we must be satisfied, at all the relevant stages, that satisfactory reports have been submitted to demonstrate that the development is suitable for use. We acknowledge a verification report received in support of the current application, despite pre-commencement conditions not being discharged for this site. We will not consider a validation report until a suitable Phase 2 and where necessary a suitable remediation strategy has been received and approved. The site must be fully characterised in its current state.

Under the National Planning Policy Framework, it is the developer's responsibility to confirm that the site is safe and suitable for its intended use. Moving forward, in the first instance, we expect a detailed risk assessment and thorough investigation of the site in its current condition to confirm there is no risk to the end-users. Any reports must be authored by a competent person and adhere to legislation and good practice guidance. This information must be submitted to the Local Planning Authority for approval in writing. The Planning Officer will reconsult Environmental Health when new reports are authored.

As a consequence, additional sampling and testing was carried out across the site (excluding the remediated pond) now that the site has been reduced to anticipated final level.

The sampling locations were specifically chosen from the rear gardens of plots that were accessible at the time, namely Plots 1, 3, 7, 8, 17, 20, 23, 24, 28 and three samples of Public Open Space (POS). As such, these areas constitute the greatest risk to future residents.

The findings were presented in Michael D Joyce Associates LLP Report No. 4458 dated 8th May 2025, namely;

The Sirius Remediation Strategy requires that for garden areas, where asbestos impacted Made Ground is present within 1m of finished ground levels (as is the case here), an additional 150mm granular hard-dig layer or geotextile separator is provided below the 600mm topsoil and sub-soil clean cover.

As there is no clear pattern as to the spread of asbestos across the plots and POS areas tested, it is recommended that the above precautions are provided to the garden areas (both front and back).

In conclusion, the existing Remediation Strategy continues to be adopted.

Contin....



Response from Kirklees Council

Kirklees Council responded as follows;

K.C Environmental Services have reviewed your email correspondence dated 9th May.

They confirm the site investigation remains insufficient for a full risk assessment. Since the original investigation and reporting, significant site changes have taken place and newly available data (MDJA) indicate potential risks to human health, particularly if plots are occupied. As a result, K.C Environmental Health note the development does not wholly comply with paragraphs 187, 190, and 196 of the NPPF.

Given the uncertainties following the extensive groundworks, K.C Environmental Heath require a high-resolution ground investigation, and expect a full characterisation of the whole site, along with a response to the points raised in their most recent correspondence. Specifically, they expect a detailed sampling methodology including justification for the number of samples, strata tested, and testing schedule for the MDJA ground investigation, alongside a full site description and photographs (its current state).

Once full characterisation is complete and the CSM and risk assessment are revised, the remediation strategy should be updated where required, with corresponding updates to the risk assessment and conceptual site model. All information should be prepared by a competent person, as defined by the NPPF and be in accordance with LCRM and best practice guidance.

Based upon the original investigation and the additional testing, it is therefore recommended and agreed with Lovell Partnerships Limited that a precautionary approach will be adopted, namely that a clean cover system will be applied to **all** garden areas and soft landscaped/Public Open Space, as originally specified by the Sirius Remediation Strategy, "Strategy for Remedial and Preparatory Works - Former Greenside Mills, Skelmanthorpe", dated November 2023, Reference C9297.

As such, the original Remediation Strategy has been reviewed and does not require updating providing the clean cover is applied to all garden and soft landscaped areas. Further investigation and testing as suggested by Kirklees Council is therefore not required, as the clean cover will provide the necessary protection to future residents.

Contin....



In conclusion, the original Sirius Remediation Strategy continues to apply in full. Lovell Partnerships Limited intends to use a geotextile separator in lieu of a 150mm granular layer in respect of Section 8 of the Remediation Strategy.

Section 8.1

Table 8.1 will apply to all garden and landscaped/POS areas as follows;

Clean Cover to Private Gardens (Front and Rear) (Minimum)
Topsoil - 150mm
Subsoil - 450mm
Geotextile Separator Membrane

Clean Cover to Soft Landscaped/POS Areas (Minimum)
Topsoil - 150mm
Subsoil - 300mm
Geotextile Separator Membrane

Section 8.2 – 8.4

This remains as per the original Sirius Remediation Strategy.

Yours sincerely

A D Joyce

