

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2025/90517 - land off, Forge Lane, Thornhill Lees, Dewsbury, WF12**
**Outline application, including the consideration of access and layout, for two commercial units (use class B2 and/or B8) and associated works**
**Date Responded:  
23<sup>rd</sup> September 2025**
**Responding Officer:  
NH**
**Responding Ref:  
WK/202523694**

Further to our comments dated 15<sup>th</sup> July 2025, we have received additional information in relation to contaminated land. This response relates to contaminated land only.

**Contaminated Land**

Our records indicate the site is on potentially contaminated land (sites 61/11 and 65/11) associated with Iron, Steel and Glass works and the tipping of industrial wastes. A Stage 1 Geo-Environmental Desk Study Report by ARP (23<sup>rd</sup> July 2025, HBB/01r1 Rev A) has been received in support of the application. The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report.

We have read the report provided. ARP's assessment builds on the previous Arcadis investigation in 2011. This has not been included in the supporting documents. The report includes a recent site walkover in July 2025 and ARP noted dense vegetation, restricted access in parts, areas of hardstanding, and minor fly tipping. No asbestos was observed by ARP, although it had been previously identified by Arcadis in 2011.

ARP advise that the site is bordered by residential properties and canal infrastructure. Historically, the eastern section remained largely undeveloped, while the western area was used for industrial purposes, including ironworks, a gravel pit, and a slurry bed, later infilled and associated with a licensed landfill.

From this, ARP have identified potential contamination sources including made ground from historic industrial use, landfill gases, and demolition materials. ARP go on to identify several potential source – pathway – receptor linkages applicable to the proposed development, ranging from moderate to low risk.

However, given the low sensitivity of the proposed commercial development (in comparison to residential), ARP considers further soil testing unnecessary, stating that contamination remedial measures should reduce risks from the contaminants on site to acceptable levels. However, ARP do identify that further work is needed in certain areas to inform the remediation.

While we acknowledge ARP's conclusion that further testing is not essential, we note that access to the site was restricted and vegetation was extensive during the recent walkover, limiting visibility and assessment of potential new contamination sources. Additionally, the current appraisal relies heavily on third-party reporting, much of which dates back several years. We believe this limits characterisation of the site.

Considering the time elapsed and the proposed development, we support a supplementary assessment of ground conditions. This should include updated soil testing and ground gas monitoring to ensure the site is suitable for safe development and future occupation.

Importantly, where reliance is placed on third-party information, this must be presented and any new investigation should be fully integrated with previous third-party findings to ensure a robust and comprehensive remediation strategy is developed. This approach will help ensure the safe development and future occupation of the site.

Overall, there is sufficient information to move to conditions for contaminated land and we recommend conditions to secure a Phase 2 investigation and remediation strategy for this site. That said, we expect all investigations and reporting received to support the application must be in accordance with Land Contamination Risk Management guidance.

### **Recommended Conditions**

This response relates to contaminated land only and should be read in combination with our recommendations given on 15<sup>th</sup> July 2025.

#### **CLC2 Submission of a Phase 2 Intrusive Site Investigation Report – Condition**

No groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

#### **CLC3 Submission of Remediation Strategy - Condition**

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

#### **CLC4 Implementation of the Remediation Strategy - Condition**

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

**CLC5 Submission of Verification Report - Condition**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

**CLC7 Contaminated land - Footnote**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.