

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90729 Warwick House 10 Smithies Moor Lane, Birstall, Batley, WF17 9AT		
Prior notification for change of use from commercial/business/service to one dwelling		
Responding Date: 19 th January 2026	Responding Officer: SR	Responding Ref: WK202600583
<p><u>Comments</u></p> <p>We have previously commented and accepted a Tier 1 Preliminary Risk Assessment Report by Geoenviron Solutions Limited, ref: 5461-25 T1, dated June 2025. The report recommended additional intrusive investigation of the site to better inform the conceptual site model, including but not limited to potential for coal workings and gas risk to cellar area.</p> <p>In support of the application a Phase II Ground Investigation and Updated Risk Assessment Report, by Geoenviron Solutions Limited, ref: 5461-25 T11, dated December 2025 has been submitted. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.</p> <p>The report refers to the earlier Phase 1 report Phase I: Desktop Study & Risk Assessment Report for the site (Report Reference: 5461-25 T1, issued in June 2025. Fieldworks were undertaken on the 26th of November 2025. We are informed no visual or olfactory evidence of contamination was encountered or observed during the ground investigation.</p> <p>Three test areas are shown on a plan within appendix 1. Section 3.1 of the report informs:- <i>“Combined groundwater and ground gas monitoring installations were installed in all window sample boreholes.”</i> Topsoil was recorded in all boreholes and generally comprised clayey sandy gravelly topsoil, beneath which deposits considered to represent the Pennine Lower Coal Measured formation generally comprised from, sandy gravelly clays and sand deposits overlying highly to completely weathered mudstone. The investigations terminated at a depth below ground level of 2m, 3m and 5m (bgl).</p> <p>A suite of testing was conducted on 4 samples from across the site. The results of all of the chemical testing are presented in Appendix 4. Asbestos was not detected. The results are summarised in tables 10.1 – 10.3. Indicating exceedances for heavy metals within the samples. The report author concludes that the soils encountered on the site are contaminated.</p> <p>A conceptual Site model is presented in Table 11.1, informing remediation is necessary to remove the contamination.</p> <p>We accept the new information in relation to contamination at the site, however we question the comments in relation to outline remediation as; if only shallow made ground is removed we would anticipate additional sampling to justify the acceptability of shallow subsoils. We would like clarification in relation to the gas risk at site as there appears to be incomplete or contradictory information within the report. Borehole logs do not show installation of gas</p>		

monitoring wells but the report references them. Has shallow coal risk been eliminated when the boreholes depths were so shallow. No information has been provided on proposed gas monitoring within the cellar of the building to be converted. The recommendations within the earlier Phase 1 report section 10 have not been adequately investigated, within the Phase II report. We require additional commentary.

For the reasons given we are unable to accept the current Phase II Ground Investigation Updated Risk Assessment Report, by Geoenviro Solutions Limited, ref: 5461-25 T11, dated December 2025 and whilst we do not object to the proposal, we make the following recommendations in relation to contaminated land. Our earlier comments in relation to noise and construction remain.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment, residential occupation or groundworks of any kind (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. 189 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) residential occupation or groundworks of any kind, 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. 189 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 works in relation to the conversion and occupation as residential, 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. 189 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. 189 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.