

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/90889 Former Combs Hostel, Hall Lane, Thornhill, Dewsbury, WF12 0PL		
Demolition of existing hostel and erection of residential development comprising 34 dwellings		
Responding Date: 7 th April 2026	Responding Officer: SR	Responding Ref: WK202608061
<u>Comments</u> <u>Contaminated Land</u> In support of the application the following documents have been submitted: • Phase 1 Geoenvironmental Risk Assessment, authored by Michael D Joyce Associates LLP, Geotechnical and Geoenvironmental Consultants, dated March 2025 (ref: 4452), and associated ground reports • Phase 2 Ground Investigation authored by Michael D Joyce Associates LLP, Geotechnical and Geoenvironmental Consultants, ref: 4470, dated June 2025 These documents include geotechnical information which is outside the remit of Environmental Health. This response focuses solely on the land contamination aspects of the reports. Preliminary Risk Assessment The site comprises a plot of land, former school, including hardstanding, demolished materials/possible floor slabs and rough grass. The historical land use of the site and surrounding area has been presented and reviewed since 1855. Whilst the site itself remained undeveloped until the late 1960's/early 1970's, when Combs Hill School was built, nearby allotments, landfills and coal legacy have been identified. A mining Coal Authority report is included in appendix 3, indicating low likelihood of shallow workings. A site walkover was undertaken on the 13th of March 2025, we are informed no visibly contaminated material was present on the surface of the site, nor was there any distressed vegetation suggestive of significant or serious contamination. The conceptual site model is presented, identifying several potential pollutant linkages which necessitate further intrusive investigation. Phase 2 Ground Investigation 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. The report references the earlier Phase 1 Report, at the time of the site investigation the report author describes current site conditions as: <i>"the site was in the process of being cleared. This included crushing of concrete and brick, and the stripping of topsoil and the tarmac area. Buried former foundations had yet to be removed."</i>		

Fieldworks were undertaken on the 9th of May 2025 and included the following:

- 14 trial pits
- 5 Boreholes
- gas monitoring standpipes installed in window sample boreholes (WS1 to WS5)

The investigatory locations are shown on the site plan which is presented in the report.

The results of the strata encountered is presented in section 4; made ground, clay and mudstone were found. Groundwater was not encountered, no unusual colouration or odours to any of the soils encountered during the investigation and no obvious visual evidence of contamination, such as asbestos, was found during the investigation.

A suite of testing was conducted on soil samples from the site, 11 samples were screened for the presence of asbestos containing materials or fibres, with none being detected. 6 soil samples were recovered with a summary of the results of the sampling being presented in section 5. The report author concludes topsoil at the site is unsuitable for use in garden areas due to exceedances of Arsenic.

In relation to the gas risk at site we are informed 5 monitoring wells, were installed but no monitoring results are presented.

A conceptual Site model (CSM) is presented in section 6. We note the CSM does not acknowledge the risk from exceedances of Arsenic in topsoil, only mentioning removal of made ground. We also note section 7 only provides a general description of materials to be removed and replaced.

We acknowledge the report and whilst we have no objection to the application, due to incomplete gas monitoring and insufficient identification of risk, requiring remediation, we cannot accept the report at this time. We therefore make the following recommendations.

Construction Related Noise

The site of the proposed development is neighbouring existing residents, we therefore recommend a condition to ensure construction noise associated with the proposal, does not cause loss of amenity.

Recommended Conditions

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

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. 189 and 197 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy – Condition

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. 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 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. 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.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:
07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.