

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91202 Unit 800 Bretton Park Industrial Estate Bretton Park Way, Savile Town, Dewsbury, WF12 9BS		
Erection of three storey office extension, alteration of hard surfaced area to car park, with associated works including landscaping.		
Responding Date: 28 th October 2025	Responding Officer: SR – Air Quality, Contaminated Land	Responding Ref: WK202532578
<u>Comments</u> Contaminated Land In support of the application the following documents have been submitted: • Phase 1 Geoenvironmental Desk Study Report, authored by JPG, ref: 6359-JPG-XX-XX-RP-G-0601-S2-P01, dated 11 February 2025 • Phase 2 Geo-environmental Investigation authored by JPG, ref: 6359-JPG-XX-XX-RP-G-0603-S2-P01, dated April 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. <u>Preliminary Risk Assessment</u> The site is situated on land identified as potentially contaminated on our mapping systems our site ref 110/6, however earlier development of the site required remediation and a validation condition was discharged, application 2008/93935. A site walkover was carried out in January 2025 and site photographs are presented within Appendix B. The site is described as a working site. The report reviews historical Ordnance Survey mapping from 1855 onwards, informing the site has been redeveloped from a former larger gas works site and remediation took place. A summary of the Geological information informs: - made ground deposits are shown on the site. The site is shown to be underlain by superficial deposits comprising alluvium (clay, sand and gravel). The author has obtained a CON29 mining report. The report author has reviewed all the historical contaminated land reports for the site. A preliminary conceptual site model (CSM), is presented in Table 4.6. It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. We accept the report. <u>Phase 2 Intrusive Investigation</u> The report describes the findings from fieldworks undertaken in January 2025. The investigation was designed to provide information on the general ground, groundwater and hazardous ground gas conditions across the site. 5 Window sample boreholes and 2 rotary-cored boreholes were positioned to target the footprint of the proposed development.		

The fieldwork revealed strata conditions of made ground; the base of the made ground was proven at depths of between approximately 3.32m and 5.60m bgl. Clay, sand and gravel deposits lie below with bedrock encountered from 13.50m bgl. Slight hydrocarbon odour and staining was observed in the made ground at 4.50m bgl in BHRC102, at 3.30m bgl in WS102, at 3.80m bgl in WS103, at 3.80m and 4.50m bgl in WS104 and at 3.50m bgl in WS105.

Table 6.3 presents a summary of the results of 12 samples (compared directly with their respective GAC), of made ground submitted for chemical analysis (standard suite of determinands). Asbestos quantification testing was carried out on two samples in which asbestos fibres were detected. The total mass of asbestos recorded in the samples was <0.001%. Based on this result, the report author considers it unlikely that there is the potential for the airborne exposure limit to be exceeded. All other determinands were found to be below their relevant GAC values.

Section 6.4 provides information on tests were undertaken on 4 samples of made ground (leachability analysis), the results compared to their respective GAC values are presented in Table 6.4.1. Exceedances of leachable naphthalene was recorded in one made ground sample (7.4µg/l was recorded in the sample obtained from WS104). Fluoranthene were recorded in three made ground samples (maximum leachable concentration of 0.65µg/l was recorded in the sample obtained from WS104). An exceedance of leachable benzo(a)pyrene was recorded in one made ground sample (0.12µg/l was recorded in the sample obtained from WS103 at 0.60m to 0.80m bgl).

The results of 2 groundwater samples are presented in table 6.4.2 The report identifies exceedances of fluoranthene, benzo(a)pyrene and sum of benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-c,d)pyrene and benzo(g,h,i)perylene were recorded in the groundwater obtained from BHRC101. Testing was also undertaken for VOCs. No concentrations above the laboratory limit of detection of 3.0µg/l were recorded. Ammoniacal nitrogen as NH₃ was recorded at concentrations of 86,000µg/l and 18,000µg/l in the groundwater obtained from BHRC101 and BHRC102 respectively. The report goes on to explain why these results do not present a risk in sections 6.8 and 6.9. No other determinand was found to be in exceedance of the GAC.

The planning officer is advised to seek a response from the Environment Agency on the potential risk to controlled waters.

Appendix E presents the gas data, showing gas monitoring over six visits in 5 positions: 2 rotary boreholes (BHRC101 and BHRC102) and window sample boreholes WS102 to WS104. Peak methane 0.2% v/v, peak carbon dioxide at 4.2% v/v whilst pressure did not fall below 1000, during the 5 week period of monitoring pressures were recorded between 968 to 1009 mb, the consultant describes pressures as *“rising locally but falling regionally”* on several occasions. The consultant has classified the site as Characteristic Situation Level 1. We question this conclusion as no evidence has been provided that monitoring was undertaken during periods of falling pressure at the site. We also have concerns that the main building which communicates with the proposed extension has been fitted with CS₂ gas protection (see validation letter, condition 7, application 2008/93935), we require this to be considered during gas risk evaluation.

The revised conceptual site model is presented in Table 6.10 indicating the site should be considered very low risk with respect to contamination and hazardous ground gases.

Due to our concerns regarding the gas risk at site we are unable to accept the report at the current time.

Air Quality

The proposed development is not located within an Air Quality Management Area; the design and access statement informs additional 50 car parking spaces are to be provided on the existing yard area.

An Air Quality Assessment by Assessments, ref: J0997/1/F1, dated the 9th of October 2025 has been submitted in support of the application. Whilst we accept large parts of the report, we are unable to find an assessment of the impacts of the construction phase. Sensitive residential receptors and a school are situated on Bretton Street. Whilst provision for electric vehicle parking is considered, only 5% has been offered with no detailed proposals for infrastructure for the remainder required or timescales for implementation as required by the West Yorkshire Low Emissions Strategy technical planning guidance.

For these reasons we are unable to accept the report at this time.

Recommended Conditions

AQIAC1 Air Quality Impact Assessment – Impact of new development on the area-Condition

Before the development begins a full Air Quality impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality
- include a calculation of the monetary damages from the development (if required).

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

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

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. 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.

