

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2025/91531 land off Leeds Road, Heckmondwike, WF16 9DB**
**Revised and additional information received, and revised description: Demolition of existing semi-detached houses and associated buildings, and construction of 49 dwellings, including associated access and other associated works**
**Responding Date:**  
**22<sup>nd</sup> April 2026**
**Responding Officer:**  
**SR**
**Responding Ref:**  
**WK202610984**
**Comments**

Further to our comments dated the 27<sup>th</sup> of August 2025, we have been reconsulted on a Garden Soils Validation letter by ARP, ref: ORH/25L7/OGjc, dated the 7<sup>th</sup> of April 2026 and a revised Contamination Remediation Statement, by ARP ref : ORH/25rem1V2, final dated April 2026. Our response concerns contaminated land only which is within the remit of Environmental Health.

Total of 11 topsoil samples have now been analysed (an additional 8), one sample from the original sampling round, had an arsenic concentration which exceeded the residential with Plant Uptake screening value (37 mg/kg Limit (UCL). The consultant has undertaken statistical analysis informing; *“the 95% Upper Confidence of 28.6 mg/kg for Arsenic across the 11 samples is significantly below the Residential with Plant Uptake screening value (37 mg/kg), statistically demonstrating that the 39 mg/kg result at TP3 is not a representative hotspot but part of the natural statistical distribution for this geology.”*

The additional sampling in the areas of current structures garden areas has been undertaken. Location HP1 found the presence of asbestos fibres and elevated benzo(a)pyrene. We are informed this area will be beneath an access road, which will remove a potential pathway, the report clarifies that despite this, all topsoil at this location will be stripped and removed during remediation.

The revised Statement summarises information in relation to gas monitoring at site, indicating that part of the site will require gas protection measures owing to uncertainties in a fault system in the southwest. No detailed site plan has been provided identifying specific plots.

We have examined the revised and new information, due to remediation now identified in relation to soils and gas protection, we make the following recommendations.

**Noise – pre determination information required**

In support of the changes to the application a revised Noise Impact Assessment by Dragonfly, dated 05.03.2026, ref: DC4910-NR1v3 has been submitted. It considers the slight alterations to the proposed development concluding that the mitigations offered in relation to glazing and some external barriers within the report are sufficient to reduce any loss of amenity to future occupiers. It would appear the position of the pumping station has now been moved, although this is not shown on the plans produced within the report. We note section 1.2.2 dismisses the impact of the submersible pumping station, without providing any detailed information, quoting Yorkshire Water Guidance.

We require the applicant to provide a noise assessment that includes the impact of the pumping station in relation to new and existing residential receptors. We require the

information to include day and night operation of pumping equipment. We require this information prior to determination.

### **Recommended Conditions**

**We remind the planner that noise pre determination information is required. For ease we include all current recommendations below.**

#### **DUST1 Implement agreed Dust Mitigation Scheme – Condition**

Before any demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in table E1, Appendix E (column High Risk, highly recommended), of the Air Quality Assessment by Dragonfly, dated the 16th of December 2025, ref: DC4910-AR1v24has and retained for the duration of the demolition and construction period.

**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

#### **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 2021. 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.

#### **CEMPF Construction Environmental Management Plan – Advisory Footnote**

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 Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “Guidance on the assessment of dust from demolition and construction” Version 2.2 2024. 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.

#### **EVF1 Electric Vehicle Charging Points – Advisory Footnote**

Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved

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The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

To futureproof the development, we would encourage the applicant to provide these in accordance with the current Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy (WYLES) Group