

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2025/91542 - Land at Highmoor Lane, Hartshead Moor, Cleckheaton, BD19 6LW

Erection of 40 dwellings and associated works, including formation of new vehicular access and erection of cricket netting

Responding Date:
5th January 2026

Responding Officer:
SR

Responding Ref:
WK202539652

Comments

Contaminated Land

Further to our comments on the 17th of July 2025 a letter by RGS, ref: C2960/25/E/7736, dated 22nd August 2025 and a Phase 2 Geo Environmental Report by RGS dated 15/12/2022, ref: C2960/22/E4487 has been submitted in support of the application. 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.

In our earlier comments we required completed gas monitoring and up to date site characterisation. In the reports above the consultant has presented additional gas monitoring data, concluding the site is fully characterised as Characteristic Situation Level 1, in terms of gas and therefore no remediation is necessary. The intrusive phase 2 report concludes a low risk and has recommended a watching brief for unexpected contamination and the necessary precautions regarding imported materials, with this in mind we recommend the following conditions.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment by Hydrock, dated the 19th of May 2025, ref: 29177-HYD-XX-XX-RP-Y-1001 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.