

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2025/91549 - The Dale Inn, 408 Wakefield Road, Denby Dale, Huddersfield, HD8 8RP</b>		
<b>Discharge of details reserved by conditions 5 (Phase I Desk Study Report), 14 (airborne sound insulation), 15 and 16 (intrusive site investigations and remedial works) on previous permission 2023/92462 for erection of retail unit with first floor flat with external access stair</b>		
<b>Responding Date:</b> 01 July 2025	<b>Responding Officer:</b> SR & MN	<b>Responding Ref:</b> WK202518098
<p><b><u>Comments</u></b></p> <p>Note – These comments relate to Condition 5 (Phase I Desk Study Report) and 14 (airborne sound insulation) ONLY.</p> <p><u>Condition 5 (Phase I Desk Study Report)</u></p> <p>We have been consulted in relation to condition 5 (Phase I Desk Study Report), only. In our last response dated October 2024 we did not accept the Phase One Desk Study report authored by Martin Environmental Solutions Limited, dated August 2024 (ref: 2781-1), due to a lack of consideration of the risks posed by nearby landfill and shallow workings.</p> <p>A revised report (Phase One Desk Study report authored by Martin Environmental Solutions Limited, dated August 2024 , revised May 2025), which considers further information obtained as a result of a coal risk assessment and intrusive investigation, and the completion of coal remedial works. These reports do not constitute a Phase 2 contaminated land intrusive investigation. The planner has only requested consultation on the revised phase 1 report submitted.</p> <p>Since our earlier comments evidence demonstrating, worked shallow coal exists beneath the site has been obtained and considerable geotechnical work has been undertaken to stabilise the ground. We do not accept that the risk from mine gas at this site has been fully appraised.</p> <p>Whilst the report concludes: <i>“there is no contamination present on or off site which poses a significant risk of significant harm to the identified receptors and the site is safe and suitable for the intended use. It goes on to advise: “However, due to the potential risk from associated ground gases it is recommended that ground gas protection measures to a Characteristic Situation 2 level are installed as part of the development.”</i></p> <p>We do not agree with the conceptual site model, in particular the potential mine gas risk. We cannot support the proposal in regard to level of gas protection at the site without the appropriate site intrusive investigation including intrusive ground gas and ground water monitoring. It is only when this information has been obtained and analysed that consideration as to the safe development and any appropriate level of protection can be presented. We expect to see a revised Phase 1, any subsequent monitoring to be presented in a Phase 2 report, including a ground gas risk assessment, with an updated conceptual site model. Any monitoring undertaken must be designed and undertaken in accordance with good practice guidance.</p>		

Condition 14 (Airborne Sound Insulation)

The applicant has submitted an Acoustic Survey authored by Martin Environmental Solutions Ltd dated August 2024 updated May 2025 Ref 2780-1. Para 3.18 makes reference to the sound insulation requirement of condition 14 of planning permission 2023/92462 while para 3.19 gives an example of the design which will achieve the requirement, the construction of which is shown in Appendix C.

This information is accepted.

**Recommendations**

Condition 5 (Phase I Desk Study Report)

We do not accept the Phase One Desk Study report authored by Martin Environmental Solutions Limited, dated August 2024 , revised May 2025. Therefore, condition 5 remains.

Condition 14 (Airborne Sound Insulation)

We recommend the condition is not discharged until the works recommended to meet the requirements of the condition are installed and retained thereafter.