

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91965 - land at, Gelderd Road, Birstall, Batley, WF17 9LS		
Installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements		
Date Responded: 24 th September 2025	Responding Officer: NH	Responding Ref: WK/202524965
<p>Contaminated Land</p> <p>Our records indicate the site is on potentially contaminated (site ref: 68/2) and is within 250m of historic landfill. A Phase 1 Report by Enzygo Limited (June 2025, CRM.3030.020.GE. R.001.B) has been received in support of the application. The document includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report</p> <p>The report identifies the site as previously developed land with derelict buildings, a substation and areas of hardstanding. Evidence of fly tipping was noted during the walkover. Historical mapping confirms former colliery and opencast workings, infilled ground and a refuse disposal tip in the vicinity, presenting potential risks of contamination and ground gases. Notably, opencast workings and a substation were present on the site. BGS records indicate Made Ground to an unknown depth and origin.</p> <p>The Preliminary Conceptual Model identifies several potential sources, pathways and receptors. Risks to end users are assessed as low due to the proposed use of hardstanding and landscaping, although risks to construction workers remain low to moderate. Risks from ground gases and combustible materials have also been identified.</p> <p>The report recommends intrusive ground investigation, chemical testing, ground gas and volatile monitoring, and further assessment of the coal legacy to confirm conditions and inform any remediation strategy.</p> <p>We have read the report and recommend that contaminated land planning conditions are applied. These should secure intrusive site investigation (CLC2), submission of a remediation strategy (if required) (CLC3), cover unexpected contamination (CLC4) and a subsequent validation report (CLC5), in order to ensure the site is made suitable for its proposed use</p> <p>Loss of amenity caused by the construction of the development</p> <p>There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. It is therefore likely that we would recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted to 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours, Saturdays and with no noisy activities on Sundays or Public Holidays.</p> <p><u>Recommended Conditions</u></p> <p>CLC2 Submission of a Phase 2 Intrusive Site Investigation Report – Condition</p> <p>No 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.</p>		

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 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. 196 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. 196 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. 196 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.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

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.

CEMPF Construction Environmental Management Plan – Footnote

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

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.