

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

2025/92088 - Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT

Discharge of details reserved by conditions 9 (retaining walls), 18 (Remediation Strategy) on previous permission 2024/91591 for variation of conditions 2-6, 15 and 29 of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping

Date Responded:
25th September 2025

Responding Officer:
NH

Responding Ref:
WK/202523429

Condition 9 is outside the remit of Environmental Health

Condition 18 – Remediation Strategy

In our response to 2024/92949 (February 2024, reference: WK/202502506) we commented on a Combined Remediation Strategy, Drilling & Grouting Plan authored by Remada Geo Consultants (January 2025, 1080.07.03). The report includes geotechnical information, which is outside the remit of Environmental Health. Therefore, this consultation response only relates to the land contamination aspects of the report. We raised several points that require clarification back in February 2025. These are repeated below:

1. 'The report states that *'This Remediation Strategy has not proposed turnover of the landfill but does state that obstructions to proposed foundations are to be removed.'* This is somewhat unclear and contradictory to Section 5.5 of the Sirius report, which specifies, *'a minimum 2m turnover of made ground (from existing or proposed levels, whichever is the deepest) should be undertaken in order to identify remaining obstructions.'* Can the applicant confirm whether any landfill-made ground will be turned over as part of the proposals.

2. We note the post-remediation gas monitoring, specified in Section 6.9 of the report. The report states:
'A minimum of three 3 No. ground gas monitoring wells are to be installed within each proposed building footprint to a depth of 5m below the proposed formation level. The concentrations of methane, carbon dioxide, oxygen and the gas flow rate are to be measured at each well for a minimum of four (4 No.) monitoring events over a four week period during periods of low and high atmospheric pressure.'

The results of the ground gas monitoring will form an updated Ground Gas Risk Assessment and to confirm the extent of ground gas protection measure prior to construction of the buildings.'

We welcome post-remediation monitoring as part of this permission. We expect the monitoring period to capture worst-case scenarios, and it may be that this needs to be extended to characterise the ground gas regime post-remediation. All monitoring must be undertaken in accordance with good practice guidance.

3. In continuation of the above, we expect the remediation strategy to acknowledge that the updated Ground Gas Risk assessment should be shared and agreed with the LPA

before construction begins, as part of the remediation process to ensure the safe occupation of the site.

4. Lastly, we acknowledge that, in Section 4.14 of the report, the consultants state that building gas alarms will be incorporated within the buildings on site. Details of the alarms will be provided separately. We expect this to consider good practice guidance and expect the information to be received as part of Condition 18. ‘

We did not accept the report as we required clarification on these points. For the current application, the same report appears to have been received. Therefore, our previous comments and recommendations still stand.

Recommendations

Condition 18 – Remediation Strategy

At this stage, we acknowledge the report provided but require clarification on several points raised above before we can fully consider the discharge of Condition 18. We recommend that the condition remain until further notice.