

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:
8th June 2026

Responding Officer:
HK

Responding Ref:
WK/202530838

Thank you for consulting Environmental Health on the above discharge of condition application. This response relates to the additional Ground Gas Addendum submitted on the 25th February 2026.

COMMENTS

Environmental Health has previously responded to this discharge application; once under application 2024/92949 (February 2024, reference: WK/202502506 & 17th December 2024, reference WK/202434387), when we initially commented on a Combined Remediation Strategy, Drilling & Grouting Plan authored by Remada Geo Consultants (May 2024, 1080.07.02), and again previously under this application 2025/92088 (25th September 2025, Responding Ref: WK/202530838), and we required some outstanding queries to be addressed before we were in a position to recommend the discharge of condition 18.

The applicant has now submitted:

- Letter Ref: 62129/03/CD/KJ/33912622v1, dated 1st July 2025, prepared by Lichfields
- Letter responding to consultation response reference WK/202523429 entitled "Condition No. 18 "Remediation Strategy" WK/202523429", Ref: 1080.09.01, dated 13th October 2025, prepared by Remada Ltd, and;
- Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026, prepared by Remada Ltd.

The letter dated 1st July 2025, prepared by Lichfields confirms that they have submitted the following documents for the purposes of discharging condition 18:

"Condition 18

- *Site Layout - Formation Levels and Ground Improvement Plan (24062-SDS-00-SL-DR-C-3019-T3)*
- *Supplementary Coal Mining Investigation (Ref. C8781/AW/9824 dated March 2022)*
- *Strategy for Remedial and Preparatory Works (Ref. C8781/RS, dated May 2022)*
- *Hazardous Ground Gas Risk Assessment (Ref. C8781/MB/9853 dated May 2022)*
- *Specification for the Drilling and Grouting of Shallow Mine Workings (Ref. SDL4050, dated May 2022)*
- *Combined Remediation Strategy, Drilling & Grouting Plan (Report No: 1080.07.02 dated May 2024)".*

It would be helpful if the applicant's planning agent and the contaminated land consultants discussed any application relating to contaminated land planning conditions before

submission of supporting documents (in order to confirm the documentation that should be submitted) - to avoid any confusion and/or the submission of incorrect information or out-dated reports being submitted to the LPA. For example, the Remada letter dated 13th October 2025 and the Lichfields letter dated 1st July 2025 contradict one another, in that, the Remada letter dated states that *“Remada’s Remediation Strategy supersedes the Sirius Remediation Strategy and hence there should be no references to it”*, yet the planning agents have again submitted the Sirius Remediation Strategy with this DoC application. This is unhelpful and has resulted in Environmental Health requesting further clarity.

The letter “Condition No. 18 “Remediation Strategy” WK/202523429”, Ref: 1080.09.01, dated 13th October 2025 provides a response to the outstanding points 1-4 detailed in our previous responses Ref: WK/202502506 and WK/202523429 dated February and September 2025 respectively.

The Remada letter dated 13th October 2025 clarifies that: *“This Remediation Strategy has not proposed turnover of the landfill but does state that obstructions to proposed foundations are to be removed”*.

The updated Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants further clarifies in Section 1.5.1 that: *“Further advice should also be sought if ground obstructions such as foundations, further basements etc associated with the former buildings and other structures on-site are encountered during the preparatory works; such obstructions might necessitate revised foundation design. Any grubbed-out ground obstructions will need to be replaced with suitably compacted fill material such as 6F2 to an engineered specification”*.

Section 4 of the above report presents the Remediation Outline Method Statement. The section begins by stating that *A summary of remediation activities with cognisance to the proposed site layout is shown in Figure 1*. Figure 1 is Drawing “1080.07 Fig1”, this drawing states that here will be a *Site-wide turnover to 1.5m bgl*, again contradicting previous information.

This section summarises the Remada remediation proposals as follows:

Section 4.2 “*Remediation Formation Level*” confirms that: *“All brick and concrete rubble, ground floor concrete slabs and building foundations are to be excavated and crushed to produce 6F2 material to be used to achieve formation levels or stockpiled for later use in construction by Lidl”*.

Section 4.6 “*Foundations and Ground Improvements*” of the report states: *“Ground improvement will be undertaken in accordance with SDS Ground Improvement Plan (drawing ref. 22254-3010-T1, included as Appendix C). The works are summarised below:*

- *Vibro stone columns underneath building footprints to achieve the minimum bearing capacity specified by the engineer, currently 150kPa; and*
- *Construction of the capping layer will be undertaken as indicated on the SDS Ground Improvement Plan (Appendix C) as a 450mm layer across the site. The piling mat will be constructed as per the contractor’s requirements, which are to be confirmed.*

The construction of reinforced raft foundations would provide protection against potential differential settlement”.

Section 4.10 “*Post Remediation Constraints*” outlines the gas protection options available to the site, and directs that drawings at Appendix D and E detail the gas membrane installation:

“Passive Sub-floor Dispersal Layer

Details of the Passive Sub-floor Dispersal Layer are presented in the Structural Engineer’s Drawing 24185-SDS-00-FP-DR-S-3400-T4 at Appendix D. The drawing specifies a Cordon EPS Total Gas Barrier with Cordon Vent and Pipe Box beneath the foundation. Cordon Product details are presented at Appendix E”.

“Membrane Installation

Details of the membrane installation beneath the raft foundation are presented in the Structural Engineer’s Drawings 24185-SDS-00-FP-DR-S-3401-T3, 3402-T2 and 3403-T3 at Appendix D. In general, the membrane should be installed in accordance with the manufacturer’s instructions and as per the Engineer’s detail and construction drawings:

- *Capable after installation, of providing a complete barrier to the entry of the relevant gas; and*
- *Gas Barrier to be installed in accordance with the manufacturer’s instructions and Engineer’s drawings,*
- *Underlying damp membrane or formation to be free of detritus prior to laying the gas barrier*
- *Barrier sheets to overlap by not less than the width of the joint tape.*
- *Double sided joint tape to be used.*
- *All tears and punctures to be repaired using double sided joint tape and off-cut membrane.*
- *All service entries to be sealed as ‘top-hat’ details to prevent gas ingress*

Building Gas Alarms

Details of an appropriate system are to be proposed by a fire and gas alarm specialist and separately submitted to the Local Authority for approval”.

We acknowledge this proposal and request that this is submitted alongside, accompanying the remediation strategy to ensure it can be considered in support of the strategy as a whole.

Section 5 “*Mine Workings*” presents summaries of the borehole records detailed in the Delta-Simons and Curtins reports and confirms the drilling and grouting proposals.

Section 6 “*Monitoring and Verification Plan*” confirms that photographic records, materials handling records, drilling and grouting records, landscaping, cover and capping records, sampling & analysis, waste and any unforeseen contamination details and gas membrane installation and testing will be consolidated as evidence and incorporated into a Verification Report for submission to the Local Planning Authority.

The Post Remediation Ground Gas Assessment, letter Ref: 1080.04.01, dated 24th February 2026, authored by Remada Geo Consultants states that: “*This letter provides an addendum to Remada’s Verification Report 1080.08.01*”. However, to date, Verification Report 1080.08.01 has not been submitted as supporting information with application 2025/9208, reaffirming the need for discussions between the contaminated land consultants and the agent in relation to the submission of relevant information.

The letter goes on to summarise, outlining that:

- previous gas designations have varied between reports between CS2-CS4, and
- confirms remada’s plan to cut and fill levels across the site (cut of up to 3m will be formed in the west of the site whilst the eastern half of the site will be raised by up to 2.4m).

The letter then goes on to detail the Post Remediation Ground Gas Monitoring, however, condition 18 has not yet been agreed – Condition 18 states that:

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17, 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

A remediation strategy has not yet been agreed, and a timetable has never been provided. Therefore, it is not clear if the Post Remediation Ground Gas Monitoring is indeed post-remediation, or a re-assessment of the gas regime (as detailed in section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan)?

The letter confirms that:

“6 boreholes were drilled, and 4 ground gas monitoring visits were undertaken at one weekly intervals over a four-week period”.

Section 4 outlines ground conditions:

“Boreholes BH1 to BH3 were advanced to a maximum depth of 5.0m bgl and were found to comprise Made Ground of a granular nature in BH1 only, to 0.8m bgl. This was overlaying cohesive Made Ground, similar to the Made Ground encountered from ground level in BH2 and BH3. The Made Ground was encountered to a maximum depth of 2.8m which overlay CLAY and local SAND. Black COAL was encountered within BH3 only between 3 and 4m.

Boreholes BH4 to BH6 encountered a gravelly clayey sand and locally a sandy gravelly clay in BH6 only. All three boreholes were terminated at 1.0m bgl due to refusal of the liner during the drilling process”.

It is not clear what the term “liner” is referring to in this instance – the drawings appended to the reports refer to grouting, capping layers, piling mats, and gas membranes, but do not annotate a “liner”, and in accordance with condition 18, until the remediation strategy has been agreed, further groundworks cannot proceed.

Section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants report states that: *“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”.* However, the depths of the pipe where monitoring was undertaken were 2.29m (BH1), 1.85m (BH2), 4.16m (BH3), 1.37m (BH4), 1.27m (BH5) and 1.36m (BH6). It is not clear if this ground monitoring is what is referred to in section 6.9 – *“an updated Ground Gas Risk Assessment”*, or if it is Post Remediation Ground Gas Monitoring. Can this be clarified? Furthermore, at such shallow depths, it is not clear what is being sampled, bearing in mind that the letter details that ground levels were raised over existing Made Ground/Waste in the zone of the proposed Lidl store in the east area of the site where BH4 to 6 were drilled. A discussion pertinent to ground gas pathways would assist in understanding a changed ground gas regime when ground levels have changed.

The results of the ground gas monitoring are presented in the Gas & Groundwater Monitoring tables and are discussed in sections 5 and 6 of the Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter. The summary discussion detailing the gas monitoring results is missing some significant information to justify or explain the results, particularly where concerning levels of gases are presented – such as high concentrations of methane and CO (BH4), depleted levels of oxygen levels (all boreholes). Gas flow rates are low, it is not clear why. It would assist in our understanding if a timeline cross-referencing the proposed remediation strategy (as requested by condition 18) is provided with the submitted reports.

Tables 1 & 2 in report Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026, prepared by Remada Ltd show that BH4 gives a CH4 Steady State LEL (%) of 404.0%, 388.0%, 548.0% and 338.0% on the 12th, 19th, 26th January and 2nd February 2026. These values are not discussed within the relevant section, and it is not clear what they mean - an explanation is required.

IN SUMMARY

1. A remediation strategy has not yet been agreed, and a timetable has never been provided. The site is complex and is particularly complicated when the applicant/agent continues to submit numerous reports that are then referred to by the contaminated land consultants as “superseded”. A timeline cross referencing the proposed remediation strategy (as requested by condition 18) would assist in our understanding of the sites condition along with the relevant reports.
2. It is not clear if the submitted ground gas monitoring is what is referred to in section 6.9 of the Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, that is, providing an updated Ground Gas Risk Assessment, or if it is a Post Remediation Ground Gas Monitoring Assessment?
 - Can this be clarified? If this monitoring is Post Remediation Ground Gas Monitoring, clearly condition 18 has not been complied with, and
 - Was any additional ground gas monitoring undertaken in line with section 6.9 and if so, when and what were the results?

It is not clear what has happened to the site, condition 18 has remained outstanding and therefore further groundworks should not have taken place, particularly with previous reports presenting conflicting evidence of the gas regime on site.

While Ramada state that their report supersedes previous remediation strategies, until the report is agreed with the local planning authority, it cannot be actioned.

The submitted information, in terms of the reports submitted for the discharge of conditions continues to confuse the situation. The considerable number of reports referenced by the planning agent is unhelpful and the failure to submit a timeline for the site detailing what has occurred and what the current situation is on site has further muddied our understanding.

It is the responsibility of the applicant and their agents to ensure that the information submitted is clear and relevant for the purposes of this application. If the applicant or their agent continues to submit numerous reports that are not relevant or contradict the information provided by Remada, the current contaminated land consultants, Environmental Health will need to again seek further clarification.

At this stage, it is necessary to clarify the current situation on site and remind the applicant that further groundworks are not permitted.

1. Environmental Health request that a timeline detailing recent site activity cross-referenced with any remediation measures already undertaken is submitted alongside the Combined Remediation Strategy, Drilling & Grouting Plan Ref:1080.07.03, January 2025, authored by Remada Geo Consultants.
2. Remada need to clarify if the updated ground gas risk assessment as referenced in section 6.9 of the aforementioned remediation report is pre or post remediation?
3. Significantly more detail is required to explain the gas and groundwater results presented in the Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter – cross referencing with any remediation works that explains the changes to these results (bearing in mind – it is not clear whether or not remediation has taken place) and how any changes to the site may alter/impact the ground gas pathways on site.

RECOMMENDATION

In order for condition 18 to be discharged, we remind the applicant of the wording of condition 18: 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.

Environmental Health are not in a position to accept the submitted reports for the purposes of discharging condition 18. The condition should remain in place until further notice.

Furthermore, until conditions have been discharged, NO FURTHER GROUNDWORKS SHALL BE UNDERTAKEN.

Environmental Health suggest that a letter of clarification following consultation between Remada and the planning agent is provided to clarify:

- The current state of the site (in terms of ground-works / remediation)
- What reports are submitted specifically for the discharge of condition 18, retracting any previously submitted information that is no longer considered relevant (to prevent further confusion).

This should be submitted along with:

- A timeline cross-referenced with the proposed remediation strategy to clarify what works if any has been undertaken already.
- A detailed explanation accompanying the recent Post Remediation Ground Gas Assessment, Ref: 1080.04.01, dated 24th February 2026 letter to rationalise
 - what has occurred on site to explain the results presented,
 - that explains why, having confirmed that an updated assessment would sample ground gas at 5m bgl, why only shallow ground gas monitoring has occurred, and
 - why the shallow monitoring is considered acceptable for updating the Ground Gas Assessment?

- An explanation of how the proposed cut and fill may impact/alter the ground gas pathways
- Details of the appropriate Building Gas Alarm system proposed by the fire and gas alarm specialist as requested.