Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/92187 Frankie and Bennys, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB
Discharge of details reserved by conditions 3 (Phase II Intrusive Site Investigation Report), 4 (Remediation Strategy), 6 (Verification Report), 8, 9, 11 (drainage), 17 (coal mining) on previous permission 2025/91401 for the variation of condition 2 (plans) on previous permission 2024/93522 for variation condition 2, 7, 12, 13, 14, 15, 16, 20 on previous permission 2023/93781 for demolition of existing buildings and erection of coffee shop with drive thru facility; drive-thru restaurant (Class E and Sui Generis); flexible commercial unit (Class E (a) and/or Class E (b) and/or hot-foot takeaway Sui Generis use); formation of hard and soft landscaping works; modifications to access and associated works

Responding Date:	**Responding Officer:**	**Responding Ref:**
11th September 2025	**SR**	**WK202526598**

Comments

Condition 3 (Phase II Intrusive Site Investigation Report)

In support of the discharge of condition 3 a Site Investigation Report by Crossfield Consulting, ref: CCL03808.CW07, dated April 2025.

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.

The report reproduces in appendix I the earlier Phase 1 preliminary investigation (desk study) which was prepared by Solmec (planning application 2023/93781). The report summarises the information already obtained and describes the current site conditions and location.

The rationale for the ground investigation is offered in appendix III, fieldworks were undertaken in March 2025 and included 3 rotary boreholes (BH1 to BH3), to depths of 25m below ground level (bgl), to provide information on strata and shallow coal. A further 5 dynamic sampling boreholes (DS1 to DS5), to depths of between 2m and 5m below ground level (bgl). The location of which is shown in appendix III, table III 1. We note all the boreholes are located within the more accessible car parking area of the site.

The results of the strata encountered is summarised in section 5.3 of the report. Made ground aws recorded beneath the tarmac surface at variable depths across the site, sandy gravels that also include clay or silt, are recorded within Made Ground materials. The sandy gravels are recorded with thicknesses of typically up to 0.5 m. However, within DS2 in the northeast of the site, clayey sandy gravel of limestone with limestone cobbles is recorded between approximately 1.0 m and 3.3 m depths. Below this weathered strata of the Pennine Lower Coal Measures are recorded across the site. The report goes on to inform "*Within the central and southeastern parts of the site, loss of drill flush was encountered from 7.5 m to 8.0 m depth (148.69 m OD to 148.19 m OD) in one hole and 7.5 m to 9.0 m depth (147.51 m OD to 146.01 m OD) in another. Loss of flush was associated with limited resistance to the rotary drilling methods and appears to be indicative of broken strata. No definite evidence of voids (as a result of coal mining) was recorded within the boreholes. Locally, within BH1 in the*

northwestern part of the site, coal was encountered from 9.5 m to 11.0 m depth (147.78 m OD to 146.28 m OD). Beneath the loss of flush/coal horizon, Coal Measures strata are recorded to comprise grey laminated mudstone to 25 m depth, the maximum depth investigated across the site, with a minimum elevation of 130.01 m OD. No further coal, loss of flush, or 'soft' drilling was encountered across the site during the ground investigation."

A suite of testing was conducted on samples from the site, considering Metals and metalloids, cyanide (total), pH, phenol, sulphate (water and acid soluble), sulphide, sulphur (total) and TOC Petroleum Hydrocarbons (aliphatic and aromatic split with CWG carbon number banding including BTEX and MTBE) Polyaromatic Hydrocarbons Asbestos. Information on the sample numbers is presented in Table III-2 of Appendix III. This confirms 8 samples were taken from the following locations
DS2 – 1.5 m
DS2 – 3.4 m
DS2 – 3.8 m
DS3 – 0.5 m
DS4 – 1.2 m
DS4 – 2.6 m
DS5 – 0.6 m
DS5 – 1.3 m
A summary of the results of the sampling is presented in Table 2.

Section 7 informs the contaminants associated with the site history have all been identified at concentrations below the relevant GAC and C4SL values and thus do not represent an unacceptable risk to end users. One location DC3 recorded asbestos Containing Material (ACM), chrysotile cement, was detected. The report informs no loose asbestos fibres have been recorded within any of the tested samples. Such ACM are unlikely to be associated with airborne fibres.

In relation to the gas risk at site we are informed 5 monitoring wells (DS1 to DS5), were visited on 4 occasions over a period of one month. The location of monitoring appears to be within the upper layers of made ground/clay. The results are presented and calculations based on the data indicate a gas screening value of CS1 for the site suggesting no gas protection measures are required. No commentary is given on the choice of depth/strata for the monitoring locations, particularly given that loss of flush and coal were encountered at slightly lower levels within the rotary boreholes. Whilst the report informs guidance has been followed we note that the accepted Phase 1 report attributed a moderate risk to gas and required six visits over three months. We also note that all barometric pressures are above 1000mb and recorded pressure fell once on the third visit but not below 1000mb. For these reasons we do not accept the gas assessment presented. We require robust commentary on the location of monitoring, the number of monitoring visits undertaken and the pressures recorded as we do not believe worst case scenario has been demonstrated.

A conceptual Site model is presented in Table 1; this appears to be a summary of the Solmec model from the Phase 1 report and not an updated model.

We acknowledge the report and make the following recommendations.

Recommendations

For the reasons given above in relation to the assessment of gas risk at the site we do not accept the report at this time. We are therefore unable to recommend the discharge of conditions 3 (Phase II Intrusive Site Investigation Report), 4 (Remediation Strategy), 6 (Verification Report).