Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/92886 13 Queen Street, Mirfield. WF14 8AH		
Discharge of details reserved by conditions 5 (lighting), 6 (bird and bat box), 7 (electric recharging point), 8 (Remediation Strategy) on previous permission 2023/91383 for demolition of existing outbuilding and erection of two semi-detached dwellings		
Date Responded: **16th June 2026**	**Responding Officer:** **KB**	**Responding Ref:** **WK202617562**

Condition 8 – Remediation Strategy

The applicant has applied to discharge Conditions 8 Remediation Strategy. These conditions on the previous permission (2023/91383) relate to Reporting of Unexpected Contamination. The application description incorrectly refers to Condition 8 as a Remediation Strategy. This condition was successfully discharged on 2nd April 2026 (Our Ref: WK/202607798).

We are now in a position to comment on the Validation Statement.

For the purpose of discharging condition 8 (Validation Statement), on previous permission 2023/91383, a Phase 4 Validation Report has been received written by Rogers Geotechnical Specialists (dated 29/05/2026 - C5162/26/E/9014).

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 reports.

We have read and reviewed the report from Rogers Geotechnical Services (RGS) and make the following observations.

The approved remediation strategy (RGS. Phase 3 Remediation Strategy Report - 04/02/2026 Ref:C5162/25/E/8787_Rev1) for the site set out that areas of soft landscaping (gardens) were to be remediated either through the complete excavation of contaminated topsoil to expose the underlying uncontaminated clay, followed by the placement of a suitable clean growing medium, or alternatively through the installation of a clean cover system comprising 500mm of inert material overlying a 100mm granular capillary break (600mm total). The strategy also clarified that in areas of hardstanding or beneath permanent structures, pollutant linkages would be effectively severed, and no remediation measures would be required.

The submitted validation report confirms that most of the site is now covered by hardstanding, including asphalt and paving, which is considered an appropriate barrier to break potential exposure pathways. The report identifies two rear garden areas where soft landscaping has been implemented and where remediation measures were required. The stated purpose of the verification report is to demonstrate that an adequate depth of cover has been achieved in these areas and that the imported soils used in the cover system are chemically suitable for a residential end use.

COMMENTS
The validation report states that contaminated soils have been removed and replaced with suitable clean topsoil. The evidence presented within the report, including trial pit data,

indicates that a clean cover system of approximately 600 mm thickness has been installed but there is no information regarding removal or relocation of contaminated soils. This creates some ambiguity as to whether the remediation has been undertaken by excavation and removal or by encapsulation, and the report does not clearly confirm which methodology has been implemented in practice.

The remediation strategy required that the formation level (subgrade) be inspected following excavation to identify any visual or olfactory evidence of contamination and to allow for further assessment where necessary. The validation report does not include evidence of such inspection, nor does it provide any information confirming the condition or contamination status of the underlying material following excavation. As such, the report does not demonstrate that the residual ground conditions beneath the installed cover system have been adequately assessed or verified.

With respect to imported materials used in the formation of the cover system, the remediation strategy required that these be assessed for suitability in accordance with YALPAG guidance. While the validation report includes chemical analysis of soils sampled after placement, there is no evidence that the materials were chemically characterised prior to importation. This is not in accordance with YALPAG guidance in relation to the characterisation of materials (specifically KP2), and therefore the report does not demonstrate that appropriate controls were in place to ensure the suitability of imported soils before their use on site.

The sampling and testing regime of imported fill materials for supplementary quality control post placement is insufficient. Whilst four samples were collected, these were derived from only two trial pit locations, with a disproportionate number taken from a single location. It is also noted that an area of soft landscaping to the north of the site has not been subject to validation sampling. The limited number of sampling locations and lack of spatial coverage do not provide sufficient confidence that the cover system has been installed consistently across all garden areas. We would also expect this to extend to public open space so as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

In terms of verification of cover depth, the report demonstrates that a thickness of approximately 600mm has been achieved at the trial pit locations. Whilst this meets the specification set out within the remediation strategy for a clean cover system, the limited number of validation points means that continuity of this depth across all landscaped areas has not been demonstrated.

The report does not provide adequate information regarding the interface between the clean cover system and the underlying soils. There is no confirmation of the condition of the formation layer or limited evidence demonstrating that the capillary break and cover soils have been installed in a manner that effectively isolates underlying contamination. This represents a further gap in the verification of the remediation measures.

There is no documentation provided relating to the offsite disposal of any excavated contaminated soils although we do have delivery notes and waste transfer notes. If contaminated soils have been removed from the site, as implied within the report text,

appropriate waste transfer documentation would be expected. The absence of such information raises further uncertainty regarding the remediation process undertaken.

RECOMMENDATIONS

In its current form, the validation statement fails to demonstrate that the remediation works have been completed in accordance with the approved remediation strategy or in line with current best practice. Significant uncertainties remain regarding the remediation approach, the adequacy of imported material characterisation, the extent of validation sampling and the verification of ground conditions and interfaces. We expect any information received to support the discharge of the condition to be in accordance with current best practice.

Condition 8 (Validation Statement) should **not be discharged** until the above matters have been satisfactorily addressed and approved.