

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: 07/08/2026	Responding Officer: KB	Responding Ref: WK202623334
Condition 8 – Remediation Strategy Further to our response dated 16th June (Our Ref: WK202617562), the applicant has submitted a revised Phase 4 Validation Report by Rogers Geotechnical Specialists (RGS) (dated July 2026. Ref. C5162/26/E/9014_Rev1). 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. The report confirms that the site has been developed for two semi-detached dwellings with associated gardens and parking and states that the external layout has been amended since the original validation submission. The report reiterates that the original contamination concern identified during the Phase 2 investigation was elevated concentrations of lead and arsenic within the existing topsoil. The approved remediation strategy required either removal of contaminated topsoil and replacement with clean material or installation of a clean cover system comprising 500mm of clean material over a 100mm capillary break. The report states that the remediation method adopted was the removal of contaminated topsoil from the garden areas followed by the installation of a clean cover system. In response to concerns regarding the remediation methodology, the revised report now includes a dedicated section describing the enabling works undertaken prior to development. The report states that contaminated topsoil was stripped from the garden areas down to the underlying clay, stockpiled and removed from site to an appropriate waste facility. Photographs of these works together with waste transfer notes are included within Appendix 3. To address concerns regarding imported material characterisation, the report now identifies the source of imported topsoil as PMW Quarries and states that the material was tested at source within three months prior to importation. The report states that supplier test certificates are included within Appendix 2 and confirms that the imported soils were also subjected to post-placement verification testing once installed on site. Imported material volumes are stated to be approximately 29.6m³ of topsoil and 12.3m³ of capillary break material. The report confirms that two validation locations (HP01 and HP02) were excavated within the garden areas. Trial pits recorded approximately 500mm of topsoil overlying a 100mm capillary break, with the capillary break reported to overlie the natural clay formation. Trial pit logs and photographs have been included within Appendix 4.		

Chemical testing was undertaken on four soil samples collected from the validation pits. The testing suite included metals/metalloids, PAHs, TPH, cyanide, phenols and asbestos. The report concludes that no asbestos was detected and that concentrations of lead, arsenic and other contaminants were below relevant guidelines. Minor exceedances of individual PAHs were identified within deeper samples; however these were acceptable when assessed against relevant criteria and therefore do not represent an unacceptable risk. The report concludes that the imported cover material is suitable for residential use with plant uptake.

The revised report also seeks to address concerns regarding formation-level inspection. The conclusion states that following excavation of the contaminated topsoil, the exposed underlying clay soils were visually inspected, and no visible contamination was encountered. Reference is made to photographic evidence contained within the appendices. The report concludes that the contaminated soils have been removed, that a clean cover system has been installed and validated, and that the site is suitable for its intended residential use.

Comments

The revised submission addresses most of the concerns identified within our previous consultation response (Ref: WK/202617562). In particular, the remediation methodology is now significantly clearer, and the report provides a description of the sequence of works undertaken. The revised report includes reference to waste transfer documentation, photographic evidence of site stripping works, delivery notes, supplier documentation, source testing of imported soils and post-placement validation testing. These additions substantially improve the evidence base supporting the validation of the remediation works.

The previously identified concern regarding characterisation of imported materials has largely been addressed through the provision of supplier certification and confirmation that the imported topsoil was tested at source and prior to placement which is more consistent with the current guidance and provides greater confidence in the suitability of the imported material.

The report also provides additional information regarding removal of contaminated topsoil and inspection of the exposed formation layer. Whilst the validation of the formation level remains based primarily on visual inspection rather than analytical verification, the revised report now demonstrates that inspection of the underlying soils was undertaken in accordance with the approved remediation strategy.

The revised report continues to rely upon two validation locations and four verification samples across the development. Whilst the report demonstrates compliance with the minimum analytical testing frequencies based upon the volume of imported material, the spatial coverage of the validation remains limited.

It is noted however, that the site layout has changed from that originally proposed and most of the external areas now comprise hardstanding, paving or permanent structures. As a result, the only areas requiring validation are the two rear garden areas where pollutant linkages could potentially exist. The validation undertaken is therefore focussed on the areas of soft landscaping associated with the proposed residential end use.

Given the scale of the development, the limited extent of soft landscaped areas and the fact that the majority of the site is now covered by buildings, paving and hardstanding, the evidence presented is considered proportionate and sufficient to demonstrate that the remediation works have been undertaken in accordance with the approved remediation strategy.

Recommendations

We now feel that the revised Verification Report demonstrates that the site has been made suitable for its intended use as residential accommodation with gardens and that no further contaminated land information is required. We recommend that Condition 8 (Validation Statement) is discharged.