

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93080 adjacent to 141 Toftshaw Lane, East Bierley, BD4 6QS		
Demolition of existing storage building and erection of detached dwelling (retrospective)		
Responding Date: 2 nd December 2025	Responding Officer: SR	Responding Ref: WK202536859
<p><u>Comments</u></p> <p><u>Contaminated Land</u></p> <p>The site of the application is not located on land identified as potentially contaminated. In an earlier application for the site Environmental Health recommended conditions in relation to contaminated land due to the coal legacy in the vicinity of the site. This application is retrospective in nature.</p> <p>In support of the current retrospective application a Ground Investigation Report (desk based and intrusive) by Soil and Structures, dated 05 September 2025 (V01), has been submitted. The report references a Coal Mining Risk Assessment report (C0489), prepared by Chevin Geoenviron Associates Ltd, dated October 2021.</p> <p>The desk based element of the report provides a site history since the 1850's, it examines the potential risk of the former use of the site as an agricultural building. The report uses the geological information provided within the Chevin Geoenviron Associates Ltd report. We are informed there are no landfills within 250m of the site.</p> <p>Section 3 of the report details the fieldwork undertaken at site, table 1, provides the scope and rationale of the Intrusive Investigation. 4 open hole rotary boreholes were drilled at site, we are informed that during drilling, ground gas monitoring was completed within the rotary borehole cavities (monitoring flush arisings), with no detectable methane, carbon dioxide or hydrogen sulphide and no depleted oxygen detected. The report scoped out soil sampling at site based on lack of any evidence of contamination historically or during drilling. The geology and coal seams are confirmed within section 4 of the report, we are informed no loss of flush was recorded during drilling and no evidence of potentially harmful or polluting material was encountered on the surface of the Site or within the exploratory holes. The report considers the mine gas risk informing <i>"the proposed floor slab: include for the use of suspended beam and block floor (installed at the time of the fieldworks) that is understood to include for sub-floor ventilation: Mine gas: no evidence of shallow mine workings was recorded within 26.6 m of the ground surface within RO101 or within the Blocking Coal seam within the other three borehole positions. Similarly, no evidence of mine gas was recorded at the drill rig or within the borehole cavity on completion of the boreholes (since backfilled with bentonite). Taken together, the risk presented by mine gas is considered low and no further assessment or risk reduction measures recommended."</i></p> <p>We would remind the applicant that Environmental Health do not consider radon and any recommended features should be validated by a competent person.</p> <p>The report concludes in section 8 that ground-related hazards on site are considered well characterised and further assessment is not recommended.</p>		

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Ground Investigation Report (desk based and intrusive) by Soil and Structures, dated 05 September 2025 (V01), Environmental Health have no objection to the proposal. We note the report considers the need for controls in relation to unexpected contamination and therefore make the following recommendations.

Construction Related Noise

The site of the proposed development is neighbouring existing residents, we therefore recommend a condition to ensure construction noise associated with the proposal, does not cause loss of amenity.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further

information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.