| Consultation Response from: KC Environmental Health (Pollution & Noise Control) | | |
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| **2025/93355 Land off, Woodward Court, Mirfield, WF14 0PY** | | |
| **Erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure** | | |
| **Date Responded:** 22/07/2026 | **Responding Officer:** KB | **Responding Ref:** WK/202609585 |

This response is related to an application for a major development on land off Woodward Court in Mirfield.

**Contaminated Land**

A report has been received to support the current application. Geoenvironmental Appraisal of Land at Balderstone Hall, Mirfield. Lithos. (Report No. 1668/1F, December 2022).

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 and make the following observations.
The report consolidates multiple phases of investigation undertaken over an extended period (2013 - 2022) and was originally commissioned in support of a previous application for 61 dwellings. The current application proposes 75 dwellings and associated infrastructure and therefore extends beyond the scheme for which the original investigation was undertaken. The report represents a combined Phase 1 (desk study) and Phase 2 (intrusive investigation and has been reviewed as one report for the purposes of this consultation.

It identifies the site as a greenfield former agricultural area underlain by sandstone bedrock (Falhouse Rock), with shallow coal seams present at depths of approximately 9-18.5 m which have been historically worked. The site lies within a Coal Mining Development High Risk Area and has been affected by historic mining activity, including the identification of 12 mine entries (shafts/bell pits) and associated shallow underground workings encountered during intrusive investigation and soil stripping.

Ground conditions typically comprise a thin layer of topsoil over granular residual soils and shallow sandstone bedrock, with localised made ground associated with shaft backfill and a possible former quarry feature. No significant contamination has been identified, and the topsoil is considered suitable for re-use; however, testing of shaft backfill materials is limited.

Groundwater was not encountered at significant levels during the investigation.

A preliminary conceptual site model (CSM) was developed based on desk study and initial investigation works, identifying potential pollutant linkages associated with historical agricultural use, shallow mine workings, and potential ground gas generation, with pathways via fractured strata and mine entries. This informed the scope and design of the intrusive investigation.

The report provides a revised conceptual site model cumulating the full set of information from the various investigations, confirming that the principal geo-environmental risks relate to shallow mine workings, mine entries, and associated ground gas, rather than contamination.

Gas monitoring undertaken in 2013 identified a Characteristic Situation 1 (CS1) classification, reflecting a low risk from ground gas. However, due to the limited monitoring period and the presence of potential gas sources associated with mining features, a precautionary Characteristic Situation 2 (CS2) classification has been applied across the site.

**Comments**
The gas monitoring dataset is limited to summer conditions (June - August) and does not include periods of falling atmospheric pressure, which are typically associated with peak ground gas emissions. Whilst recorded concentrations are low, the dataset is not fully representative of worst-case conditions. The adoption of CS2 gas protection measures is therefore considered appropriate as a precautionary approach to address this uncertainty.

It is also noted that the geoenvironmental assessment is based on historic investigation data (2013 - 2018) and relates to an earlier site layout. Whilst a staged investigation approach is consistent with standard practice, the current development proposals extend beyond the originally investigated footprint, and therefore there remains a degree of uncertainty in areas not previously subject to intrusive investigation or soil stripping.

**Recommendations**
We accept the Phase 1 element of the Lithos report, but given the time elapsed we would request that an updated CSM and full ground gas monitoring data to be considered and submitted to Environmental Health. We would expect any gas monitoring to be completed in accordance with current good practice.

Given the above and that the proposal constitutes a major residential development, it is recommended that a full suite of contaminated land planning conditions is attached to any planning permission to ensure the site is suitable for its intended use. This approach is consistent with national planning policy and ensures that any unforeseen risks are appropriately identified and mitigated.

**Air Quality**
An AQIA will be required before determining any application at this site. It is a large development classed as “Major” Developments in the West Yorkshire Low Emissions Strategy (WYLES). Whilst the site is not in or within 50m of an esisting Air Quality Management Area or adjacent to a highway with Annual Average Daily Traffic (AADT) greater than 10,000, it will introduce sensitive rececptors into the area.

**Noise**
The application introduces new noise sensitive receptors in the vicinity of a primary school. A noise assessment should be completed to assess the impact that the existing noise in the area will have on the proposed development. If the assessment predicts a significant adverse impact is likely then the report should include details of the noise mitigation measures that are required to reduce the adverse impact to acceptable levels.

**Electric Vehicle Charging Points (EVCPs)**

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. An advisory relating to charging points is therefore necessary.

**Construction Environmental Management Plan (CEMP)**

A condition is recommended for the submission of a CEMP to protect the amenity of neighbouring properties during the construction phase.

**RECOMMENDATIONS**

**CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition**

Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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

**CLC3 Submission of Remediation Strategy - Condition**

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.

**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.

**CLC4 Implementation of the Remediation Strategy - Condition**

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**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.

**CLC5 Submission of Verification Report - Condition**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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. 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.

**AQIAC1 Air Quality Impact Assessment – Impact of new development on the area-Condition**

Prior to the application being determined, a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality taking into consideration any cumulative impact from other local developments
- include a calculation of the monetary damages from the development and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before development commences and retained thereafter.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

**AQIAF1 Air Quality Impact Assessment - Footnote**

For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group document *Air Quality and Emissions - Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy 2016-2021.*

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

**NC9 Noise Assessment Report and Mitigation Scheme - Condition**

Before construction work commences or completion of enabling works, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (e.g. including road traffic/commercial premises) shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

a. Determine the existing noise climate
b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

**NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

**EVF1 Electric Vehicle Charging Points – Advisory Footnote**

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity, and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group

**CEMPC Construction Environmental Management Plan - Condition**
Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.
The agreed plan shall be adhered to throughout the construction of the development.
**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.

**CEMPF Construction Environmental Management Plan - Footnote**
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 Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *"Guidance on the assessment of dust from demolition and construction"* Version 2.2 2024.

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.