Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93420 7A Little Lepton, Green Balk Lane, Lepton, Huddersfield, HD8 0LN		
Demolition of existing bungalow and erection of detached dwelling with integral garage		
Responding Date: **17th February 2026**	**Responding Officer:** **SR**	**Responding Ref:** **WK202603222**

Comments

Contaminated Land

Environmental Health previously commented on an earlier application 2022/93350, for ease of reference our comments are duplicated below: -

This site has been identified on our mapping system as potentially contaminated land due to its proximity to a historic landfill. Contaminated land conditions are therefore necessary.

The following documents have been submitted in support of the application:

1. Coal Mining Risk Assessment Report prepared by Geo2 Remediation Ltd (March 2019)
2. Phase I Desktop Study & Risk Assessment Report by YourEnvironment, dated June 2019 (ref: YE7208)
3. Phase 2: Site Investigation Report by YourEnvironment, dated September 2019 (ref: YE444)
4. Phase 3 Remedial Strategy by YourEnvironment, dated February 2020 (ref: YE72009)

The Coal Mining Risk Assessment Report confirms a potential risk from underground coal mining recorded at depth and probably shallow coal workings. The Phase I report further assesses the potential pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site. The Phase I and II reports were previously submitted and accepted under applications 2018/92691 and 2019/93236.

The Phase II report details the findings from fieldwork undertaken in July 2019. Briefly, three windowless sampler boreholes were excavated and soils were removed for chemical analysis. Three of the boreholes (WS01 to WS03) were installed with gas monitoring standpipes and three rounds of ground gas and groundwater monitoring have been carried out, dated 2nd, 16th and 30th August 2019. Barometric pressure ranges from 991 mB to 1001 mB.

From the 8 soil samples sent for chemical analysis, significant concentrations of arsenic (max concentration 62 mg/kg) and lead (max concentration 335 mg/kg) were reported when compared to a residential with homegrown produce land use assessment criteria. No asbestos was encountered, and no organic contaminants were above the selected assessment criteria. The maximum peak concentration of methane and carbon dioxide was 0.1% and 2.8% respectively. The minimum oxygen concentration reported was 20.0% and the flow rate peaked at 0.4 l/h. The report considers that based on the maximum gas screening value of 0.0112 l/h, 'the site was below the threshold given by CIRIA C665 for Situation B and is characterised as 'Green'' and 'gas protection measures are not considered necessary to be incorporated into the proposed development.'

The Phase 3 report states that the 'majority of the site will be covered by building footprint and hard standing in the form of the stone flag patio in the back-garden area. This will provide a sufficient degree of isolation of contaminants from future occupiers and visitors.' However, the exceedance at WS01 was in the area of the proposed driveway. The report recommends the removal of soils in this area to a depth of 600mm and then a geotextile layer installed across the entire proposed permeable driveway followed by the placement of 600mm of clean imported materials. The acceptance criteria for imported topsoil within the cover materials identified above are provided in Appendix E of the report.

We have reviewed the Phase I and II report as part of the current application and accept the report conclusions. The Phase III is generally satisfactory; however, we expect imported soils to be validated in accordance with Yorkshire and Lincolnshire Pollution Advisory Group Guidance - Verification requirements for cover systems (version 4.1, June 2021). Also, we require the applicant to provide clearer plans regarding the area around WS03 as this appears to be in the grassed area beyond the stone flags.

We recommended conditions in relation to remediation and verification. The new application 2025/93420, has the following supporting documents:

1. Coal Mining Risk Assessment Report prepared by Geo2 Remediation Ltd (March 2019)
2. Phase 3: Remedial Strategy by Yourenvironment, Report Number: YE8009 Date: April 2019, February 2020

3. A report dated 19th March 2024 by Your Environment, containing supplementary information

4. Phase 2: Site Investigation Report by YourEnvironment, dated September 2019 (ref: YE444)

This response has reviewed the information and concentrates on the new information provided within the report dated 19th March 2024 by Your Environment, containing supplementary information. We are informed The report has been prepared subsequent to a Phase 3: Remediation Strategy (Report reference: YE8009 dated February 2020).

Additional intrusive investigation was undertaken in March 2024, six trail pits were mechanically excavated and soil samples taken to better characterise the soils in the garden area. The results are summarised indicating no exceedances of the GACs with respect to arsenic and a single exceedance of the GAC for lead was recorded in the shallow reworked topsoil in TP04, which is located in the area of the proposed patio.

The report concludes: -

"The reworked topsoil within the vicinity of the rear of the existing property and in the area proposed to be covered by a flagged patio as part of the new development records concentrations of lead above the GAC with respect to a residential end use. In addition, the earlier intrusive investigation recorded elevated concentrations of arsenic in this area. As such, it is considered that these soils present a potential human health risk to end users. The topsoil elsewhere across the northeastern part of the site and which is to be retained as soft landscaping does not present a risk to human health.
During the site strip and placement of Type 1 or similar materials as part of the construction build up for the new patio, the reworked topsoil material should be fully removed to expose

the natural soils at formation. These excavated soils will be required to be segregated and stockpiled ahead of disposal off site to an appropriately licensed facility. This methodology will mitigate any potential risk to future users even if the patio is removed and the area returned to soft landscaping in the future."

Moving forward we expect clarification that stockpiled contaminated soils have been appropriately removed from site and any imported materials to be validated in accordance with Yorkshire and Lincolnshire Pollution Advisory Group Guidance - Verification requirements for cover systems (version 4.1, June 2021). We therefore recommend the following conditions.

Recommended Conditions

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the approved Phase 3 Remedial Strategy by YourEnvironment, dated February 2020 (ref: YE72009) and the report dated 19th March 2024 by Your Environment. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered 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. 183 and 184 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 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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 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