

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/93543 land at former Clough Mill, Clough Road, Slaithwaite, HD7 5DB		
Erection of 33 dwellings (c3) with access from Clough Road and associated works including engineering operations, construction of retaining walls and landscaping		
Responding Date: 3 rd February 2026	Responding Officer: SR	Responding Ref: WK202605598
<u>Comments</u> <u>Contaminated Land</u> In support of the application a Geo-environmental Ground Investigation Report by Haigh Huddleston, dated November 2025, ref: E25/8187/R002 has been submitted. The report appears to be a combined desk top study and intrusive investigation. The report includes geotechnical information, which is beyond the remit of Environmental Health, this response relates to contaminated land risks only. The report describes the site setting, the proposed development and site history since the 1854, informing the site has been largely industrial with large scale demolition occurring, by 2025 there are no structures left on site. Site geology informs the site is shown to be underlain by the Millstone Grit Group, with the south western corner of the site shown to be underlain by the Readycon Dean Flags formation consisting of Sandstone. We are informed the site lies within a coal low risk development area. A preliminary conceptual site model is presented in section 6, potential sources of contamination identified include: - historical use of site and land to the south for industrial purposes. Potential ground gas migration from infilled ground to former reservoir on site. Possible contaminated materials used in levelling of site and demolition of former buildings on site. The consultant considers the potential for some contamination to exist on site is to be moderate. We accept the findings of the desk study. Site investigation works began on the 29th of July 2025. A total of 14 trial pits and 12 window samples were undertaken, five of which were installed with standpipes to allow ground gas and water levels to be monitored. Records for which are contained in appendix B. Section 8.1 provides the strata information encountered on site, summarised as: - <i>“The site investigation generally proved 0.2-2.1m of made ground and clays overlying a mudstone/sandstone bedrock that was encountered at 0.45-2.3m below ground levels. Deeper made ground was encountered within the infilled former mill pond, and former concrete floor slabs were encountered intact within the made ground.”</i> Gas monitoring was undertaken on site in five of the window samples locations. Gas testing was undertaken on six occasions over a three month period with full results provided in appendix C. No methane was recorded; carbon dioxide concentrations were measured between 0.0% and 2.7%. Based on the results of the monitoring the report Author has attributed a gas site characterisation of CS1 to the site. Ten samples (including a sample of clay at TP08 was sampled due to discolouration), from natural and artificial ground deposits were recovered from the trial holes for a suite of		

analysis. consisting of heavy metals, phytotoxic metals, sulphates, sulphides and poly-aromatic hydrocarbons, including asbestos screening. The results of the chemical analysis are presented on the laboratory analysis sheets with Appendix C. A summary of the significance of the results is presented in Table 3. Due to elevated arsenic, lead, PAH'S and the presence of asbestos within samples the report author concludes, there is currently a moderate risk to end users and construction staff from ground contamination on-site, which will require mitigation.

Whilst we largely accept the report, the author has not considered existing offsite receptors, We require inclusion of this within the report. The mitigation in regard to remediation of the site must clarify the method for dust control; "damping down" as a statement, will not be satisfactory, as it is not specific enough.

The applicant is reminded that any construction related mitigation must be reproduced within any future Construction Environmental Management Plan, with clear indication of the responsible persons on site declared.

Whilst we do not object to the application, due to the omission within the report, we make the following recommendations.

Construction Related Controls

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

Recommended Conditions

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 197 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 197 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 197 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 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.

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.

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.