Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2026/90211 West House, Oxford Road, Gomersal, Cleckheaton, BD19 4AU		
Erection of residential development for 9 dwellings with associated works (within the curtilage of a Listed Building)		
Responding Date: **27th February 2026**	**Responding Officer:** **SR**	**Responding Ref:** **WK202605084**

Comments

Contaminated Land

The site of the application is not located on land identified as potentially contaminated. In support of the application a Combined stage1/stage2 Geo-Environmental Report by ARP, dated 6th of January 2026, ref: ERE/01/r1V2 has been submitted. The report references a Coal Mining Report within appendix D. 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 and the proposed development and site history since the 1850's, it examines the potential risk of the former use of the site as private gardens and any nearby land uses that may impact the development. A site walkover was undertaken on 27th of March 2024, no visual or olfactory issues were highlighted within the report. Geology is identified as Lepton edge sandstone. An appraisal of the coal mining report is given, identifying no risks associated with coal legacy in the area. We are informed there are no landfills within 250m of the site.

A preliminary conceptual site model is presented; potential sources of contamination identified include made ground and existing buildings on site.

Section 6 of the report details the intrusive fieldwork undertaken at site. To enable characterisation of ground conditions/profile made ground and collect samples for chemical analysis; 8 machine-excavated trial pits (TP01–TP08) and 1 hand-excavated pit (HP01), to depths: 0.4 m to 1.9 m were undertaken. The following strata information was identified: -
Topsoil: 0.2–0.3 m thick across the site.
Made Ground: Present only in TP01 and TP03. Thickness: 0.7 m (TP03) to 1.3 m (TP01).
Composition: clayey upper horizon; gravelly/cobbly shale and rare clinker at depth.
Natural Soil: Stiff to very stiff clay beneath made ground or topsoil. Southwest trial pits (TP06, TP07) encountered granular sand/sandstone.
Bedrock: Sandstone encountered in TP06 and TP07 at shallow depth.

8 soil samples sent for a suite of chemical analysis, including asbestos. The test certificates are provided in appendix 1. The report author considers the following results significant: -
Made ground: Elevated arsenic (TP1). Topsoil: Arsenic hotspot at TP7, PAH and lead hotspot at HP1. No asbestos was identified.

An updated conceptual site model is provided informing there are no constraints identified in relation to shallow coal, landfills, or ground gas. Due to identified areas of contamination, mitigation is required with work in relation to contamination hotspots and installation of clean

cover in garden areas postulated.

On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Combined stage1/stage2 Geo-Environmental Report by ARP, dated 6th of January 2026, ref: ERE/01/r1V2, Environmental Health have no objection to the proposal. We note the report considers the need for mitigation in relation to 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

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.

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.