

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2026/90356 Bell Cabin Long Lane, Earlseaton, Dewsbury, WF12 8LG		
Erection of dwelling and associated works		
Responding Date: 10 th March 2026	Responding Officer: SR	Responding Ref: WK202606342
<u>Comments</u> Contaminated Land In support of the application the following documents have been submitted:- • Phase I report authored by Geoinvestigate, dated October 2023 (ref: G23326) • Phase II report authored by Geoinvestigate, dated October 2023 (ref: G23326) • Gas Monitoring Addendum Report by Geoinvestigate, dated November 2023 (ref: G23326a) • Remediation and Validation Statement dated April 2024 (ref: G23326b) In our response (,dated 11th of July 2024) to an earlier discharge of condition application for the site we accepted the reports, making the following observations: - Preliminary Risk Assessment (Phase I Desk Study Report) A Phase I report authored by Geoinvestigate, dated October 2023 (ref: G23326) has been received in support of the application to discharge Condition 11. 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 report. The report includes a review of the site history, a site walkover, photographs of the current site setting, environmental setting information and a preliminary conceptual site model. It concludes by recommending a Phase II investigation including the installation of gas monitoring standpipes. Phase II Intrusive Site Investigation Report A Phase II report authored by Geoinvestigate, dated October 2023 (ref: G23326) and Gas Monitoring Addendum Report by Geoinvestigate, dated November 2023 (ref: G23326a). The reports detail the investigation undertaken at the site in 2023. Several boreholes and trial pits were dug, and soils were logged to determine the ground conditions of the site. In addition, seven soil samples were retrieved and sent for chemical analysis including total and leachate analysis. The values were then screened against a relevant screening criterion. Ground gas and groundwater standpipes were installed in three of the five boreholes on-site and these were monitored on six occasions in between September 21st and November 6th 2023. The findings indicate elevated levels of arsenic (up to 40 mg/kg) and lead (up to 251 mg/kg), along with several polycyclic aromatic hydrocarbons (PAHs) such as benzo(a)anthracene (up to 21.59 mg/kg), benzo(b)fluoranthene (up to 36.41 mg/kg), benzo(a)pyrene (up to 29.72 mg/kg), and dibenzo(a,h)anthracene (up to 0.51 mg/kg). Leachate testing revealed several exceedances for certain determinants, but Geoinvestigate considers these exceedances to be minor and not a significant risk to underground or surface waters. Nevertheless, the report concludes that remediation will be necessary. The gas monitoring detected no significant gas concentrations. Methane (CH₄), hydrogen		

sulphide (H₂S), and carbon monoxide (CO) levels were below detectable limits during all visits. Carbon dioxide (CO₂) levels varied between 0.2% and 2.0% v/v. Oxygen (O₂) levels ranged from 17.7% to 19.4% v/v. Gas flow rates were also below detectable limits. Additionally, all wells were found to be dry on each monitoring visit. Geoinvestigate therefore conclude the site falls within a Characteristic Situation 1 (CS1) classifications for carbon dioxide and methane.

We accepted the Phase II report authored by Geoinvestigate, dated October 2023 (ref: G23326) and Gas Monitoring Addendum Report by Geoinvestigate, dated November 2023 (ref: G23326a).

Remediation Strategy

A Remediation and Validation Statement dated April 2024 (ref: G23326b) has been received in support of the application. The report proposes replacing the top layer of soils with a capping layer of proven uncontaminated material to a depth of 600mm in gardens or soft landscaping areas. Geoinvestigate also recommends validation sampling and analysis for any imported clean fill to confirm the site is suitable for the intended use. It is advised that this be carried out prior to bringing the soils to the site to ensure they are of suitable quality. The strategy references the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) document, "Verification Requirements for the Remediation of Contaminated Land Cover Systems, version 4.1." A validation report detailing the works undertaken will also be provided. We accept the remediation strategy.

We accepted the Remediation and Validation Statement dated April 2024 (ref: G23326b).

The current application has submitted the same documents for consideration. Based on the opinions and interpretations of the report authors expressed in the reports, Environmental Health have no objection to the application and recommend a condition to ensure appropriate verification is undertaken and a completed validation report is submitted.

Construction Hours

The proposed development is in a residential setting. Restricting the hours of construction is appropriate to minimise adverse impacts on occupiers of nearby properties. For that reason, conditions relating to construction times are necessary.

Recommended Conditions

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. 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.