

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2026/91437 Blacker Farm, Park Lane, Emley, Huddersfield. HD8 9QS
Alterations to existing building to form 3 dwellings, demolition of stables and erection of 2 dwellings with associated works.
Date Responded:
22/06/2026

Responding Officer:
KB

Responding Ref:
WK/202618851

Foul Drainage

It is unclear whether the development has access to a mains drainage system, and no detailed information has been provided with the application regarding the proposed foul water drainage system. Therefore, before the application can be determined, the applicant must submit detailed information demonstrating how a satisfactory foul drainage system will be provided.

Provision of a Drinking Water Supply

There is no information regarding the provision of a drinking water supply. Before the application can be determined, the applicant must submit detailed information to demonstrate that a suitable, sufficient and wholesome drinking water supply can be supplied to the development.

Contaminated Land

As part of the application 2026/91437, a Phase 1 Geo-Environmental Desk Study Report by JNP Group Consulting Engineers (February 2026. Ref: S12633-JNP-XX-XX-FQ-G-0001) has been received.

The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore relates only to land contamination.

We have read and reviewed these reports and make the following observations.

The JNP Group report provides a comprehensive review of the site history, environmental setting and potential contamination risks associated with the proposed development.

The site at Blacker Farm, Park Lane, Emley is proposed for residential redevelopment and is currently in use as a farm and livery yard with associated buildings. A site visit identified poor housekeeping, including the storage of liquids in containers, areas of deleterious waste storage and a manure heap, all of which represent potential sources of contamination.

The site is underlain by the Pennine Lower Coal Measures Formation and a Secondary A aquifer, with coal seams present at approximately 15m below ground level. The site lies within a Development High Risk coal mining area, and although no recorded underground mining or mine entries are present within 100m, the likelihood of unrecorded shallow workings gives rise to potential risks associated with ground instability and mine gas.

The site has been in agricultural use since at least 1849, with historical mapping indicating the presence of pits and quarries on site during the early to mid-20th century, nearby sandstone quarrying and a former well. These uses indicate the potential presence of made ground, mining spoil and residual contamination.

The nearest surface water feature is Park Gate Dike, located approximately 143m south of the site, and a natural spring is present on site. The site is not within a Source Protection Zone and is not considered to be at risk of flooding. No landfill sites or major industrial contamination sources have been identified nearby, although a waste exemption licence associated with agricultural waste disposal is located adjacent to the site.

The preliminary Conceptual Site Model (CSM) identifies moderate risks to human health and the environment due to potential on-site contamination and mining legacy, and further intrusive investigation is therefore required. The JNP Phase 1 report recommends an intrusive ground investigation, including soil chemical testing and a deep borehole to confirm the presence or absence of mining voids, together with an asbestos survey of existing buildings.

Comments

Based on the information submitted, the Phase 1 Geo-Environmental Desk Study provides an appropriate preliminary assessment of the site setting, historical land use and potential sources of contamination. It recommends that a Phase 2 Site Investigation is completed.

1. It should be noted that whilst the JNP report identifies mining legacy and the potential for ground gas generation, ground gas and mine gas risks are not fully incorporated within the preliminary risk assessment and therefore remain an area of uncertainty. The report also relies on assumptions regarding the nature of infilled ground associated with historic surface workings, which require verification through intrusive investigation.
2. The site walkover identified the presence of deleterious materials and storage containers containing potentially hazardous liquids, which represent plausible sources of localised contamination which have not been fully characterised within the risk assessment. These should be specifically considered as part of any subsequent investigation.
3. Further consideration within the CSM should be given to the presence of a significant quantity of organic matter on site in the form of a manure heap, and the presence of a natural spring and underlying Secondary A aquifer, with sufficient investigation completed to demonstrate that the proposed development will not pose an unacceptable risk to controlled waters.
4. The site investigation should be targeted and evidence-led, with sampling locations selected to address identified potential sources of contamination, pollutant pathways and receptors. Sampling should be sufficient to enable a robust assessment of risks to human health, ground and surface waters and ground gas to support a quantitative risk assessment.

The desk study is sufficient to inform the planning decision at this stage, and it is therefore recommended that planning permission can be granted, subject to the imposition of appropriate contaminated land conditions and the information above.

It is expected that any subsequent Phase 2 Intrusive Site Investigation, remediation strategy and verification works are undertaken in accordance with current good practice guidance and fully consider both on-site and off-site sources of potential contamination.

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 Hours

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

RECOMMENDATIONS

As discussed above, we require further information about the application prior to determination. Once this information has been submitted we would be happy to We would advise Planning to reconsult with Environmental Health on receipt of this information.

Adequate Provision for Foul Drainage - *Before determination*

No detailed information has been provided regarding the proposals for providing an adequate system of foul water drainage which will be required by the building regulations. To avoid the possible need for a further planning application relating to the construction of a foul drainage system, it is recommended that before determining the application, the applicant provides detailed information to show how a satisfactory foul drainage system is to be provided for the proposed development. The details must therefore include the following information:

- a. The location of the tank (which must not be so near to any inhabited building as to be liable to become a danger to health or a source of nuisance (a minimum of 7m is required but over 20m and down slope is preferable) or in an area where there is a risk of flooding). The discharge details for the tank must not present any risk of contamination to any watercourse, underground water or drinking water supply.
- b. Demonstrate that the tank will be of adequate capacity for the highest number of persons that may use the tank and ensure it is in good working condition.

We require this information to prevent loss of amenity by way of foul effluent polluting the local environment and impacting drinking water quality, to accord with the aims of the Kirklees Local Plan LP34 and LP52 and Chapters 15 of the National Planning Policy Framework.

Adequate Provision for Foul Drainage - Footnote

Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. 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.

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application.

Provision of a Drinking Water Supply - *Before determination*

Before the application can be determined, the applicant is required to demonstrate that a suitable, sufficient and wholesome drinking water supply can be provided for the proposed development and that the use of the proposed supply will not adversely impact on other private water supplies in the vicinity. The drinking water must comply with drinking water quality standards so as not to constitute a potential danger to human health, and it must be acceptable to consumers in appearance, odour and taste.

We require this information to prevent future occupiers of the development from being put at unacceptable risk from poor drinking water quality, to accord with the aims of the Kirklees Local Plan LP34 and LP52 and Chapters 15 of the National Planning Policy Framework.

DWF Drinking Water Supply - Footnote

Wholesome is defined in Part 2 Regulation 4 of the Private Water Supplies (England) Regulations 2016 or in any new legislation that supersedes this. For further information regarding Private Water Supplies contact: watersampling@kirklees.gov.uk.

PWSF Private Water Supply - Footnote

It is understood that the proposed development will be served by a Private Water Supply. The proposed development, if implemented may result in the classification of the private water supply changing which may then result in an increase in the required frequency of sampling of water from the supply for analysis. The sampling is a statutory requirement carried out by Kirklees Council and is something that we make a charge for. If you require more information, please contact us at watersampling@kirklees.gov.uk

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

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further 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.

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

CSC1 Construction Site Working Times - Condition

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities 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.