

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2026/91564 land off, Heaton Grange, Hanging Heaton, Batley, WF17 6EN		
Erection of 21 dwellings		
Date Responded: 04/08/2026	Responding Officer: KB	Responding Ref: WK/202622873
Environmental Health have been consulted on the planning application for land at Hanging Heaton for the development of 21 dwellings. The site has been subject to an outline planning application 2020/93777 (East of Mill Lane and Heaton Grange, Hanging Heaton) and several of the reports were reviewed as part of discharging conditions relating to that previous permission which was for 19 dwellings with associated gardens. This application 2026/91564 has been treated as a new application for 21 dwellings and the reports submitted in support of the application have been reviewed subject to current guidance and best practice. <u>Contaminated Land</u> This site has been identified on the Council contaminated land database as “potentially contaminated land” (site reference 27/6) due to its historic land use including a gas works, landfill site, waste transfer stations and scrapyards. Several reports have been submitted in support of the application: • Mason Clark Associates, Land Off Heaton Grange, Batley. Phase 1 Desk Study. July 2011 (Ref: 10837) • Haigh Huddleston Associates Ltd. Geo-environmental Ground Investigation Report Heaton Grange, Batley. Ref: E20/7738/R001A Rev A. September 2020 • Solmek Ltd. Phase 2: Site Investigation. Mill Lane, Batley. Ref: S240106/SI. February 2024. • Solmek Ltd. Letter Report Ground Gas Risk Assessment. Mill Lane, Batley dated 16 April 2025, Ref. S240106/GAS - Rev 1. • Lithos Consulting Ltd. Remediation Strategy, Land at Heaton Grange, Batley. Report No. 5773/1. April 2026. The reports include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the reports. We have read and reviewed the report and make the following observations. Mason Clark Associates, Land Off Heaton Grange, Batley. Phase 1 Desk Study. July 2011 (Ref: 10837) The Mason Clark Phase I Desk Study forms the initial contaminated land assessment for the Heaton Grange. The report was previously reviewed by Environmental Health during consideration of Outline Planning Application 2020/93777. At that time, Environmental Health		

confirmed that the report was acceptable and appropriately recommended further intrusive investigation.

The Phase I report identified several potentially contaminative land uses both on and surrounding the site including historic gas works, landfill activities, waste transfer operation and a scrap yard. A preliminary Conceptual Site Model (pCSM) identified potential pollutant linkages associated with human health from the made ground present on the site, migration of ground gas and historical industrial activity at the site.

The Phase I report recommends that a Phase II intrusive site investigation should be undertaken.

Comments

From a contaminated land perspective, the Phase I Desk Study provides a reasonable and competent pCSM and risk assessment in accordance with current best practice.

Haigh Huddleston Associates Ltd. Geo-environmental Ground Investigation Report Heaton Grange, Batley. Ref: E20/7738/R001A Rev A. September 2020

This report presents the findings of a Phase II intrusive investigation undertaken to assess ground conditions, contamination, geotechnical constraints, ground gas and drainage suitability for the proposed residential development at Heaton Grange, Batley.

The investigation identified topsoil and made ground across parts of the site, including demolition and construction waste deposits up to approximately 1.9m thick, underlain by clay deposits and shallow sandstone and mudstone bedrock.

Laboratory analysis identified no significant contamination from metals, hydrocarbons, PAHs or sulphates; however, a single sample from made ground at TP02 contained 'loose fibrous amosite asbestos' at a depth of approximately 0.7m. The report concluded that the asbestos should be treated as a localised hotspot and excavated, with validation sampling undertaken to confirm its removal.

Ground gas monitoring recorded carbon dioxide concentrations of up to 9.0% v/v, no detectable methane and no measurable gas flow rates. Based on the available monitoring data, the consultant provisionally classified the site Characteristic Situation 2 (CS2) recommending gas protection measures for future buildings.

The report recommends removal and validation of the asbestos hotspot, completion of the gas monitoring programme, importation and verification of clean soils where required.

Comments

The report provides a useful preliminary site characterisation and identifies the principal issues requiring further assessment, namely asbestos contamination and ground gas risk. However, the investigation does not fully characterise either issue and therefore cannot be relied upon as a complete Phase II assessment. Additional work is required to define the asbestos hotspot, complete the ground gas monitoring programme and update the conceptual site model.

Solmek Ltd. Phase 2: Site Investigation. Mill Lane, Batley. Ref: S240106/SI. February 2024.

A Phase 2 Site Investigation was undertaken by Solmek Ltd to support the redevelopment of land at Mill Lane, Batley for 19 residential properties together with associated roads, parking areas, gardens and public open space. The investigation was completed following a review of previous site assessment work, including the earlier investigations undertaken by Haigh Huddleston & Associates, and was intended to further assess the environmental and geotechnical suitability of the site for the proposed residential use.

The geotechnical element of the report is not part of the Environmental Health remit so has not been considered.

The fieldwork was carried out in January 2024 and comprised six small percussive boreholes, seven machine-excavated trial pits, installation of four gas monitoring wells, contamination testing and asbestos analysis. The investigation identified made ground across much of the site, generally comprising topsoil and cohesive fill containing sandstone, brick and concrete fragments, with occasional evidence of fabric and other anthropogenic materials. Beneath the made ground, natural clay deposits were encountered, underlain by inferred sandstone bedrock at depths ranging between approximately 0.6m and 2.0m below ground level. No groundwater was encountered during the investigation.

Chemical testing was undertaken to assess potential contamination risks associated with the proposed residential end use. Soil samples returned concentrations below the relevant residential and public open space screening criteria. However, one shallow soil sample from borehole BH02 recorded an arsenic concentration of 43mg/kg, which exceeded the residential with home-grown produce assessment criteria but remained below the public open space threshold.

The Solmek report also considered historical contamination data generated during previous investigations by Haigh Huddleston (HH) in 2022 which has not been submitted as part of this application. It is however reported that in this earlier investigation identified localised contamination including elevated lead concentrations, elevated polycyclic aromatic hydrocarbons (PAHs) and asbestos-containing materials were identified. Previous sampling at locations WS11 and WS12 had identified chrysotile asbestos, together with elevated lead and PAHs at WS11. These historical findings were incorporated into Solmek's updated conceptual site model and risk assessment for the site.

Asbestos analysis undertaken during the current investigation identified chrysotile asbestos within one sample from TP06 at a depth of 0.80m to 1.00m below ground level. Quantification testing indicated an asbestos concentration of 0.001% by mass. No asbestos was detected in the remaining five samples tested during the investigation. The report also referenced the previous findings of the HH investigation (2022) where chrysotile asbestos within WS11 and WS12, where concentrations of 0.005% and 0.003% had been recorded respectively.

Further ground gas monitoring formed part of the Solmek investigation, although the report does not include results from the new monitoring programme. Instead, it confirms that four monitoring wells were installed and that six rounds of monitoring would be undertaken over a three-month period, with the results to be reported separately in an addendum. The report reviewed historical gas monitoring data from the HH investigation (2020), which recorded

carbon dioxide concentrations ranging between 0.5% and 9.0%, no detectable methane and no measurable gas flow rates. Based on these historical results, Solmek concluded that ground gas protection measures equivalent to Characteristic Situation 2 (CS2) would be required.

The Solmek report concludes that localised contamination may pose a risk to future site users where soft landscaped areas are proposed. The principal contaminants of concern were identified as hotspots of arsenic and asbestos alongside exceedances of lead and PAHs in previous investigations and carbon dioxide associated with ground gas.

Initial recommendations for remediation options included the implementation of clean cover systems within all soft landscaped areas. Material from around BH02, TP06, WS11 and WS12 should not be reused within soft landscaped areas due to the contaminant concentrations identified at those locations. The report recommended the preparation of a Phase 3 Remediation Strategy to formally define these remediation and verification requirements.

Comments

The Solmek Phase 2 Site Investigation incorporates both historical site investigation data and additional intrusive works undertaken in January 2024. The investigation confirmed the presence of contamination including elevated concentrations of arsenic in shallow soils, chrysotile asbestos, and previously identified elevated levels of lead and PAHs. The report concluded that, in the absence of mitigation, the contamination could present a risk to future site users, particularly within soft landscaped areas. A remediation strategy based upon clean cover systems and validation testing was proposed.

Whilst the contamination assessment and proposed remedial approach are acknowledged, the report does not provide the necessary ground gas monitoring data required to complete the site characterisation.

Solmek Ltd. Letter Report Ground Gas Risk Assessment. Mill Lane, Batley dated 16 April 2025, Ref. S240106/GAS - Rev 1.

This letter report presents a ground gas risk assessment prepared by Solmek Ltd and supplements the previous Phase 1 and Phase 2 investigations undertaken on the site, together with historic investigations completed by HH in 2020 and 2022. The proposed development comprises 19 residential properties with associated gardens, access roads, parking areas and public open space.

The assessment draws upon both historic and newly collected ground gas monitoring data. Historic monitoring undertaken as part of the HH investigation (2020) which involved three monitoring wells and recorded no methane, no measurable gas flow rates and carbon dioxide concentrations ranging from 0.5% to 9.0% by volume. Additional monitoring undertaken by Haigh Huddleston in 2022 within two further monitoring wells similarly recorded no methane or gas flow, whilst carbon dioxide concentrations ranged between 3.9% and 8.2% by volume. Solmek note that not all of the original monitoring records were available for review, although the monitoring summaries contained within the previous reports were used in the assessment.

As part of the investigation, Solmek installed four gas monitoring wells within boreholes BH01, BH03, BH04 and BH06 and completed six rounds of monitoring between January and May 2024. Monitoring was undertaken in accordance with CIRIA C665 guidance and included periods of both rising and falling atmospheric pressure. The report states that atmospheric conditions during the monitoring period were favourable and included what were worst-case monitoring conditions, including falling pressure and atmospheric pressures below 1000mb.

The monitoring undertaken by Solmek recorded no methane within any borehole during any monitoring round. Carbon dioxide concentrations ranged between 0.0% and 4.8% by volume, whilst oxygen concentrations ranged between 14.7% and 20.4%. Only very low flow rates were observed throughout the monitoring period. The highest recorded carbon dioxide concentration was 4.8% within BH06 during May 2024.

Solmek reviewed the monitoring results against relevant guidance and notes that whilst its own monitoring recorded lower concentrations of ground gas, consideration should be given to the complete dataset, including the historical monitoring carried out in the HH investigation. Taking account of all available monitoring data, the highest recorded carbon dioxide concentration across the site was 9.0%. No methane was recorded during any phase of monitoring and no significant gas flow rates were identified.

Based upon the combined monitoring dataset from the eighteen monitoring visits undertaken between 2020 and 2024, Solmek concludes that the site should be classified as NHBC Amber 1 which requires the incorporation of gas protection measures comprising a gas-resistant membrane together with a ventilated sub-floor void. The report also considers radon risk and concludes that basic radon protective measures should be incorporated into the construction of new dwellings.

Comments

The assessment incorporated both the recent monitoring undertaken by Solmek and the historical monitoring data previously obtained by Haigh Huddleston, in total 18 monitoring visits between 2020 and 2024. The assessment confirmed the absence of methane and significant gas flows across the monitoring programme, with carbon dioxide concentrations ranging from 0.5% to 9.0% v/v across the historic and current datasets.

Solmek concludes that the site should be classified as NHBC Amber 1 and recommends the incorporation of appropriate radon protection measures. Environmental Health accept these conclusions and feel that site has been adequately characterised in relation to contaminated land and risks to human health.

Lithos Consulting Ltd. Remediation Strategy, Land at Heaton Grange, Batley. Report No. 5773/1. April 2026.

The report has been prepared by Lithos Consulting Ltd to support the development of 21 dwellings. The strategy has been developed following previous site investigations undertaken by Mason Clark Associates, Haigh Huddleston & Associates and Solmek Ltd, and identifies the remediation measures required to address the contamination risks identified during those investigations.

The Remediation Strategy identifies three contamination hotspots requiring targeted remediation. These comprise an arsenic hotspot associated with borehole BH04, an asbestos hotspot associated with TP02 and an area containing both asbestos and elevated lead concentrations associated with locations WS11 and WS12. The strategy proposes that these hotspot areas will be excavated under appropriate supervision and subjected to validation sampling to confirm that contamination has been adequately removed or managed. Any contaminated material arising from these excavations will either be removed from site to an appropriately licensed waste facility or retained beneath designated public open space within an engineered cover system.

Where contaminated materials are retained on site, the report requires their placement beneath a clean cover system to a depth of 600mm with an additional 150mm 'hard dig' layer or high visibility marker layer within areas of public open space. Where no retained contaminated materials are placed, a clean cover system with a minimum depth of 300mm is required.

In garden/landscaped areas, clean topsoil should be provided with a thickness of more than 100mm. Where excavations are required to remove structures on site suitable materials should be used to backfill to the required levels.

Validation testing will be undertaken to confirm the suitability of both imported and site-won materials used within the cover system. The strategy also specifies that all soils used within gardens and landscaped areas must be suitable for the intended end use and verified through laboratory testing.

The strategy includes procedures for validating imported soils, stockpile management and placement of cover materials. It also specifies that validation records will be maintained throughout the remediation works to demonstrate compliance with the approved strategy.

Any excavated material to be retained on site will be inspected by a competent person, placed in temporary stockpiles and subjected to validation sampling. Any material considered unsuitable will be exported from the site to an appropriate waste facility.

Asbestos management forms a key component of the remediation strategy. Asbestos containing materials encountered during groundworks are identified, segregated and either removed from site or appropriately managed within the approved remediation design. Dust suppression measures, appropriate personal protective equipment and controlled working methods are specified to minimise potential exposure risks during excavation and handling of contaminated materials.

The strategy also addresses ground gas protection. Whilst previous assessments classified the site as NHBC Amber 1, Lithos reviewed the historic and recent monitoring information and recommends the adoption of a more precautionary gas protection approach. The report proposes that all residential properties incorporate gas protection measures equivalent to Characteristic Situation 2 (CS2) protection, including gas-resistant membranes and sub-floor ventilation measures.

The report acknowledges that the site lies within an Intermediate Probability Radon Affected Area and therefore recommends the inclusion of basic radon protection measures within all

new dwellings. These measures are to be incorporated into the building design alongside the proposed gas protection system.

A detailed verification process is included within the remediation strategy. Following completion of the remediation works, a Verification Report is to be prepared and submitted to the Local Planning Authority. The report will document the remediation works undertaken and will include validation sampling results, records of hotspot excavation, imported soil certification, waste disposal documentation, cover system verification records and evidence confirming the installation of gas protection measures.

The strategy concludes that the contamination risks identified during the previous investigations can be adequately managed through implementation of the proposed remediation measures.

Comments

Environmental Health has reviewed the submitted Remediation Strategy and considers that it satisfactorily addresses the contamination risks identified by the approved site investigations. The strategy provides an appropriate framework for remediation, validation and protection of future site users and is generally consistent with the requirements of current guidance.

Recommendations

The submitted reports demonstrate that the site has been adequately characterised in respect of contamination and ground gas risks. The proposed remediation strategy addresses the identified pollutant linkages through the excavation of contamination hotspots, placement of cover systems, validation testing and implementation of appropriate gas protection measures. We are satisfied that the site can be made suitable for residential end use subject to the implementation of the remediation strategy and submission of satisfactory verification reports.

We therefore recommend that conditions for the implementation of the remediation, validation and verification are attached to any permission.

Noise

The applicant has submitted a Noise Impact Assessment authored by Apex Acoustics dated 12 February 2026 Ref 11457.2 RevB. It describes the proposal and identifies the acoustic environment as described in para 2.3.

Noise monitoring was conducted for a 24hr period on 09 January 2024 from two monitoring positions as shown in figure 2. A summary of the findings is given in table 4 with comment made that the most significant noise sources affecting the proposed development during both daytime and night-time periods were passing trains on the railway to the west of the proposed site. The second most dominant noise source identified was road traffic associated with Mill Lane to the west of the proposed site.

Para 4.12 refers to a steady, continuous, low-frequency noise coming from the further site located to the east of the development being noted during the night from approx. 6 AM, and during the daytime at position P2 (ceased just before 5 PM). It was not possible to identify a specific source of noise during the site inspection. No other plant impact was noted. As such,

a BS4142 assessment was conducted and the findings in table 5 indicate a low impact and this is accepted.

Modelling has been conducted and to meet with the internal requirements of BS8233, figure 1 shows the colour coded minimum sound insulation treatments required dependent upon the façade. Due to elevated levels, paras 7.20 and 7.21 identify the ventilation requirements with the plots marked in red requiring a higher specification.

To meet with the external requirements of BS8233, a 2.4m high acoustic barrier is recommended to plots 10-18. No specific noise mitigation measures are required to the remaining plots.

The submitted information is accepted. A condition is required to secure the mitigation measures in the interests of protecting amenity.

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 Environmental Management Plan (CEMP)

A condition is recommended for the submission of a CEMP to protect the amenity of neighbouring properties during the construction phase.

RECOMMENDED CONDITIONS

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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Apex Acoustics dated 12 February 2026 Ref 11457.2 RevB:

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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

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.

CEMPF Construction Environmental Management Plan - Footnote

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 Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *"Guidance on the assessment of dust from demolition and construction"* Version 2.2 2024.

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.