

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2026/91628 Erection of 17 dwellings (Use Class C3) together with associated development including access, landscaping, ancillary infrastructure, and parking		
Land off, Boshaw View, Hade Edge, Holmfirth, HD9 2TZ		
Date Responded: 13/07/2026	Responding Officer: KB	Responding Ref: WK/202620778
Contaminated Land Several documents have been received to support this application and will be reviewed separately. - Phase 1 Geoenvironmental Risk Assessment and Phase 2 Ground Investigation by MJDA. Land to rear of 323 Dunford Road, Hade Edge, Holmfirth. Report Number 4441. February 2025. - A letter dated 23rd May 2025 from MDJA. 323 Dunford Road, Hade Edge - Ground Gas Risk Assessment Report No. 4441. The reports include some 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 reports and make the following observations. Phase 1 Geoenvironmental Risk Assessment and Phase 2 Ground Investigation by MJDA. Land to rear of 323 Dunford Road, Hade Edge, Holmfirth. Report Number 4441. February 2025. The site has historically been agricultural land with no evidence of previous industrial use. The site investigation confirmed that it is underlain by sandstone bedrock. The majority of the site was found to comprise 200mm and 450mm of uncontaminated topsoil over weathered sandstone. The overall contamination risk was assessed as low with topsoil being acceptable for re-use at the site. Initial ground gas monitoring detected no significant methane or carbon dioxide concentrations and suggested that the site was classified as Characteristic Situation 1 (CS1), representing a very low ground gas risk. Overall, the site is considered suitable for residential development subject to normal construction controls, asbestos management in the identified affected area and materials management. A letter dated 23rd May 2025 from MDJA. 323 Dunford Road, Hade Edge - Ground Gas Risk Assessment Report No. 4441. The letter summarises the completed ground gas assessment and concludes that the site presents a very low gas risk. Six rounds of gas monitoring were completed with no measurable gas flow and only low concentrations of carbon dioxide. The site is classified as		

Characteristic Situation 1 (CS1) under current guidance and confirms that additional gas protection measures are not required. It was noted that the site lies within an area of radon protection and this should be installed by a suitably competent person.

Comments

The report and subsequent letter provide a comprehensive assessment of the environmental risks associated with the development of the site. Consideration has been made to the conceptual site model and risk assessment. There is discussion about the potential use of site-won materials and unexpected contamination identified during the enabling works. Gas monitoring has been completed and we agree with the classification of the site as CS1.

We would expect to be informed if any unexpected contamination is identified during the development and recommend that the appropriate condition is applied to any permission. Also, if any materials are to be imported to the site for use in the development that they are assessed to be suitable for residential use with gardens and in accordance with current guidance.

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 in order to protect the amenity of neighbouring properties during the construction phase.

RECOMMENDATIONS

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance

with the approved Remediation Strategy and a Verification Report in respect of those works 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 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.

LQ1 Imported Materials

Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report 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 190 of the National Planning Policy Framework.

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.