

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2026/91913 adj, 315, Wakefield Road, Lepton, Huddersfield, HD8 0LX

Discharge of details reserved by conditions 6 (CEMP: Biodiversity), 7 (Phase I Desk Study Report), 8 (Phase II Intrusive Site Investigation Report), 9 (Remediation Strategy), 10 (Phase II Intrusive Site Investigation Report), 11 (Verification Report), 12 (coal mining activity), 13 (materials), 14 (lighting), 15 (noise), 17 (boundary treatment), 18 (landscaping), 19 (refuse), 20 (bat box) on previous permission 2025/91961 for demolition of existing buildings and erection of detached dwelling and associated works

Responding Date:
04/09/2026

Responding Officer:
KB/MN

Responding Ref:
WK202626126

Environmental Health acknowledge the receipt of information submitted in relation to the discharge of conditions on previous permission 2025/91961. This response relates to Conditions 7 (Phase I Desk Study Report), 8 (Phase II Intrusive Investigation Report) and 15 (Noise) only.

Condition 7 – Phase I Desk Study Report

Environmental Health notes that, when consulted on the original application, concerns were raised regarding the adequacy of the submitted Phase I Geo-Environmental Assessment (Our Ref: WK202524247 dated 13th August 2025). It was considered that the risks associated with shallow coal workings and mine gas had not been adequately assessed, that the conceptual site model (CSM) underestimated the potential risks, and that a gas membrane had been recommended without appropriate intrusive investigation and monitoring data. Environmental Health specifically advised that a revised Phase I assessment should be submitted, with any subsequent monitoring and analysis presented within a Phase II report and supported by an updated conceptual site model.

No revised Phase I assessment has been submitted as part of the current application. The Phase II report instead proceeds directly from the original Phase I document that Environmental Health previously considered deficient.

The deficiencies identified in the original Phase I assessment have not been addressed. It remains unclear whether the CSM used to design the intrusive investigation appropriately reflects all potential contamination and ground gas sources previously identified.

Condition 8 - Phase II Intrusive Investigation Report

The submission comprises a Phase II Geo-Environmental and Coal Mining Legacy Assessment prepared by Erda Associates Ltd (Ref. EAL.83.25, May 2026), including intrusive investigation, laboratory analysis and ground gas monitoring. The report references and relies upon the original June 2025 Phase I Geo-Environmental Assessment and Coal Mining Risk Assessment as the basis for the investigation strategy.

The investigation comprised three boreholes advanced to a maximum depth of 30m, installation of three gas monitoring wells, chemical analysis of four soil samples and three rounds of ground gas monitoring undertaken between 2nd April and 16th April 2026.

The report concludes that no significant contamination has been identified, that the site falls within Characteristic Situation 1 (CS1) for ground gas, that gas protection measures are not required, and that no remediation is necessary in relation to contamination. The report does, however, identify broken ground and voided zones within two boreholes at depths consistent with possible shallow mining disturbance and concludes that further assessment and/or remediation of potential shallow mining features remains necessary.

Comments

Environmental Health has concerns regarding the extent of the contamination investigation and the rationale used to develop the sampling strategy. The original Phase I identified the existing maintenance/storage buildings as potential contamination sources, yet there is insufficient evidence within either the original Phase I assessment or the submitted Phase II report to demonstrate that the investigation was designed around these identified source areas. Furthermore, the environmental assessment is based on only four laboratory samples, predominantly shallow topsoil samples, and no clear justification has been provided to demonstrate that sampling locations were selected to target the potential contamination sources previously identified within the conceptual site model.

Environmental Health also notes that the ground gas assessment is based on only three monitoring rounds over a three-week period. Whilst the report concludes that the site is Characteristic Situation 1 (CS1), the monitoring data include carbon dioxide concentrations of up to 2.8% v/v and oxygen depletion to as low as 12.7% v/v. The lowest recorded atmospheric pressures occurred during rising pressure trends, whereas the highest carbon dioxide concentration and highest recorded flow rate occurred during a falling pressure event. The report provides limited discussion regarding the significance of the observed oxygen depletion and whether the monitoring period is sufficiently representative of worst-case gas migration conditions especially given the uncertainty regarding shallow mine workings at the site.

Condition 15 - Noise

The applicant has submitted a Noise Assessment authored by ADC Acoustics dated 02 April 2026 Ref ARR/C/4015.01. It considers the local environment including the A642 and the neighbouring Hotel/Restaurant.

Noise monitoring was conducted on 25 March 2026 from a single monitoring position as shown in para 5.3 and a summary of the results is given in the table within para 6.1. Comment is made that the dominant source was road traffic with neighbouring buildings affording some screening protection. Modelling has been conducted and in order to meet with the internal requirements of BS8233, mitigation measures are recommended in the table within para 6.3. External levels are above the desirable requirement but still within the requirements of BS8233 and this is accepted.

Para 6.5 comments on the potential impact from the use of the neighbouring Hotel/Restaurant and modelling has been conducted using library data for typical use. The author states that due to elevated levels of road traffic noise, the assessment shows almost no effect on the overall predicted levels.

The findings of the submitted report are accepted.

Recommendations

Condition 7 – Phase I Desk Study Report

On the basis of the information submitted, Environmental Health is not satisfied that the requirements of Condition 7 have been met. A revised Phase I Preliminary Risk Assessment should be submitted addressing the concerns previously raised by Environmental Health and providing an updated conceptual site model. We are unable to recommend discharge of Condition 7 at this time.

Condition 8 – Phase II Intrusive Site Investigation Report

Until a revised Phase I Desk Study Report has been reviewed and agreed, we consider it premature to determine whether the submitted Phase II Intrusive Site investigation has been appropriately designed and whether the reported findings are sufficient to characterise the contamination and ground gas risks associated with the site. We would recommend that Condition 8 remain at this time.

Condition 15 – Noise

The findings of the submitted report are accepted. However, we recommend the condition is not discharged until the mitigation measures within are implemented and retained for the life of the development.