

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2026/92485 adj, 43, Bridle Street, Soothill, Batley, WF17 6LU

Discharge of details reserved by conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report) , 5 (Remediation Strategy), 6 (Remediation Strategy), 7 (Validation Report), 8 (intrusive investigations) on previous permission 2023/93729 for erection of detached dwelling

Responding Date:
12/10/2026

Responding Officer:
KB

Responding Ref:
WK202630355

This response is made in respect of Conditions 3 (Phase I Desk Study Report), 4 (Phase II Desk Study Report) and 5 (Remediation Strategy) which relate to Contaminated Land. It is noted that the Condition 4 is incorrectly referenced on the consultation request and should be Condition 4 (Phase II Site Investigation).

Conditions 6 (Remediation) and 7 (Validation Report) have not been considered at this stage.

Condition 8 (Intrusive Investigations) is a matter for the Coal Authority and falls outside the scope of this consultation.

We previously provided consultation comments in relation to previous permission 2023/93729 (Ref: WK/202404128, dated 9 February 2024), in which risks associated with historic coal mining activity and nearby landfill sites were identified as requiring further investigation.

Environmental Health acknowledge receipt of a report prepared by Soils and Structures Ltd entitled "*Phase 1, Phase 2 and Phase 3 Report (Combined) & Revised Coal Mining Risk Assessment*" (Ref. 20615, September 2026) to support the application to discharge the above conditions.

The submitted report contains both geotechnical and land contamination assessments. Geotechnical matters fall outside the remit of Environmental Health and are therefore not considered within this response. The comments below relate solely to the land contamination aspects of the submission.

The submitted information has been reviewed against the requirements of the planning conditions, current Land Contamination Risk Management (LCRM) guidance and relevant best practice. Our comments in respect of each condition are provided separately below.

Condition 3 – Phase I Desk Study Report

The Phase I Desk Study is included in Sections 1 and 2 of the submitted report.

The site comprises approximately 0.07 ha of residential land containing an existing dwelling, outbuilding, driveway and garden situated on a sloping hillside. The proposal involves demolition of the existing structure and construction of a detached dwelling requiring significant earthworks, including excavation into the hillside, retaining walls, foundations and associated infrastructure.

A review of historical mapping indicates the site has predominantly been in residential use since at least the late nineteenth century, with no significant potentially contaminative land uses identified on-site. The surrounding area is predominantly residential, although a former colliery lies approximately 50m to the south-east and a former sandstone quarry approximately 100m to the west. A former landfill (Grange Road Railway Cutting) is located approximately 145m south-east of the site and is assumed to be a credible source of ground gas albeit with a low potential to be generating gas.

The site is underlain by Pennine Middle Coal Measures bedrock, including the Haigh Moor Rock sandstone unit. Geological mapping records a fault crossing the site and indicates the presence of potentially mineable coal seams beneath the site. The assessment identifies a moderate radon potential, with between 5% and 10% of dwellings in the area predicted to exceed the Radon Action Level.

No preliminary Conceptual Site Model (CSM) or risk assessment is presented to support the qualitative assessment at this stage.

Comments

Whilst Sections 1 and 2 of the submitted report identify a number of potential sources of contamination and ground gas hazards, including historic coal mining activity, mine gas and the nearby former landfill, the report does not include a preliminary CSM identifying potential sources, pathways and receptors and assessing plausible pollutant linkages in accordance with the risk-based approach set out within Land Contamination Risk Management (LCRM) guidance.

The absence of a preliminary CSM means that the basis upon which risks have been identified, screened and assessed cannot be readily determined. Consequently, it is not felt that the actual or potential contamination risks have been adequately investigated or that the conclusions reached are supported by a structured and transparent risk assessment.

Section 2.5 of the submitted report includes a discussion and qualitative assessment of the potential for ground gas migration from the former landfill and concludes that gas transmission to the site is "improbable" and that further assessment, including ground gas monitoring, is not recommended. However, this conclusion relies largely upon assumptions rather than site-specific evidence. The assessment acknowledges the presence of potential migration pathways between the landfill and the site, before concluding that the associated risks are acceptably low. There is no clear explanation as to how the likelihood of gas migration has been evaluated, nor does it provide sufficient justification for concluding that no further assessment is necessary.

Condition 4 – Phase II Site Investigation

Sections 3 to 7 of the submitted report describe the intrusive ground investigation undertaken in June 2026. The works comprised two rotary open-hole boreholes (RO101 and RO102). The stated purpose of the investigation was to establish the deeper ground conditions beneath the site, assess the presence of shallow mine workings and evaluate the general characteristics of the underlying soils.

The investigation generally confirmed the anticipated geology at the site with coal horizons encountered within both boreholes. No environmental soil sampling, groundwater analysis or ground gas monitoring was undertaken as part of the investigation. The justification provided was that significant excavation works are proposed as part of the development and that the site had historically been in residential use and retained garden areas would remain in residential use.

In relation to land contamination, the report records no evidence of potentially harmful or polluting Made Ground beneath the site with no visual evidence of contaminated materials, hydrocarbon impacts, unusual odours or asbestos-containing materials was identified during the investigation. The borehole logs included in the appendices show a depth of made ground up to 1.0m below ground level.

Risks associated with nearby landfill or infilled land are identified as a plausible hazard but ultimately assessed as presenting an acceptably low risk. Radon is identified as a known hazard requiring risk reduction measures, whilst mine gas is identified as a plausible hazard requiring mitigation. The presence of shallow mine workings and a geological fault are incorporated into the 'site ground model'.

The report states that acutely harmful or polluting materials are considered unlikely to be present beneath the site based on the site history and observations made during the investigation. There are recommendations of the incorporation of basic radon protection measures in accordance with current guidance alongside gas protection measures equivalent to Characteristic Situation 2 (CS2). The report also states that no further assessment is considered necessary for retained garden areas, which are proposed to remain in their current condition.

The report concludes that the ground conditions encountered are broadly consistent with those anticipated during the desk study and that the principal constraints relate to historic shallow coal workings and associated ground gas considerations. Several mitigation measures are recommended including the incorporation of gas and radon protection measures in accordance with a Remediation Strategy and submission of a Validation Report following completion of the remedial works. The report also recommends that an unexpected contamination protocol is followed should any unforeseen contamination be encountered during future construction activities

Comments

The purpose of the Phase II Site Investigation is to characterise the nature and extent of contamination identified through the Preliminary Risk Assessment and associated preliminary Conceptual Site Model (pCSM).

As discussed under Condition 3, the submitted report does not provide an adequate pCSM and therefore the rationale for the scope and design of the intrusive investigation cannot be adequately assessed.

It should be noted that Made Ground was encountered in both exploratory hole locations during the intrusive investigation; however, no environmental soil sampling, groundwater analysis or ground gas monitoring was undertaken.

The conclusion that no potentially harmful or polluting Made Ground is present appears to be based solely on visual observations made during the investigation. Whilst no staining, unusual odours, hydrocarbon impacts or asbestos-containing materials were identified, the absence of such indicators does not demonstrate that the Made Ground is suitable for a residential end use. Given that Made Ground was recorded to depths of up to 1.0m below ground level, and in the absence of laboratory analysis, the nature and extent of any contamination associated with the Made Ground has not been adequately characterised. Consequently, it remains uncertain whether all plausible contaminant linkages have been appropriately assessed and whether the site is suitable for its proposed use.

Recommendations

In the absence of an adequate pCSM and supporting risk assessment, Environmental Health is not satisfied that actual or potential contamination risks have been adequately investigated in accordance with the requirements of Condition 3 (Phase I Desk Study) and would recommend that it remains at this time.

As such, it is considered premature to comment further on Condition 4 (Phase II Site Investigation) and 5 (Remediation Strategy) until further information has been received.