Your questions, answered

Answers to questions that Kirklees Council's Pollution and Noise Control Team have received in relation to the development at Westgate in Cleckheaton.

March 2026

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Introduction

Since work began at the construction site at Westgate in Cleckheaton, the council's Pollution and Noise Control Team have received a significant number of enquiries relating to the site. This document has been created to answer those enquiries.

Our aim is to be transparent about the work we have undertaken, to explain our investigation clearly, and to reassure residents that every concern raised has been taken seriously.

We have taken care to present accurate information throughout this report. Some figures may have changed since the time of publication.

Some questions were raised more than once, in which case a single response have been provided. See the contents page to jump to specific questions.

While we are unable to respond individually to further questions that relate to the information covered here, we will consider any new or materially different information or concerns as part of our ongoing investigations.

Asbestos: site history, investigation

"Was the council aware of the former asbestos factory on Roberts Street? Why didn't work cease when the information came to light?"

When new information about the former asbestos factory came to light, all the contaminated land assessments submitted with the planning application were reviewed.

This review was also checked by an independent expert (peer review), and both agreed that the new information does not change the validity of the original findings or the remediation strategy: Remediation Strategy for land at Westgate, Cleckheaton for Strata Homes. More detailed information regarding the contaminated land assessment and its findings for this site is in the "Other contaminants and land Contamination risk assessment".

More information about how developers identify and assess contaminated land risks can be found in the Land Contamination Risk Management (LCRM) guidance.

Background

Understanding the history of a site is a very important first step when assessing land for contamination. This is part of a Preliminary Risk Assessment. It involves reviewing historic maps and records to see how the land was used in the past, especially in the area planned for development. From this, specialist consultants can identify possible sources of contamination, pathways, and receptors and decide what soil tests and investigations are needed to measure actual contamination levels and assess risks.

The next step is to consider what remediation is necessary and prepare a remediation strategy to manage any contaminated land risks identified.

For the site at Westgate site in Cleckheaton, the available historical maps only show the presence of ‘works’ (factories), but do not provide details about the types of factories or what they produced.

The council does have information about contaminated sites, but most of it comes from historic maps or data collected during site prioritisation work carried out from the early 2000s up to 2009, as part of its Contaminated Land Management duties. That work identified over 4,000 sites that might be contaminated. Because there are so many, it isn’t necessary to carry out detailed research on every single site. Detailed research is directed first to sites where evidence indicates potential imminent threats to human health, controlled waters or protected environments.

Furthermore, the council does not hold full and comprehensive information about every parcel of land in the borough. Databases and investigations into site history, as part of a contaminated land assessment, must be proportionate. Site investigations are designed to provide information about sites, covering a wide range of contaminants, and the history of a site is not the only determining factor into the design of these investigations.

The former asbestos factory, A. Roberts & Co., was not identified during the contaminated land investigation by Lithos who conducted the contaminated land investigation for the developer. However, the Geoenvironmental Appraisal carried out by Lithos for the planning application included a detailed risk assessment of soil contamination across the entire Westgate site.

Soil samples, including those from the area where A. Roberts & Co. was believed to have been located, were tested and compared against generic assessment criteria for residential use. These criteria levels are values that indicate the point at which contamination in soil could pose an unacceptable risk to human health and may require remediation. A full quantitative risk assessment was then completed based on these results.

Information from West Yorkshire Archive Service regarding the ‘asbestos factory’

The following information has been provided by West Yorkshire Archive Service, in relation to the former ‘asbestos factory’ at Westgate, Cleckheaton:

Name of the business: A Roberts and Co (Heckmondwike) Limited, asbestos works at Stone Street (off Westgate), Cleckheaton.

No specific archive collection for A Roberts & Co (Heckmondwike) Limited was identified. However, an entry for the business within the historic trade/street directories held in the Kirklees Local Studies Library was found, identifying the firm in the following directories, which confirms that the firm was an asbestos works:

Kelly's Directory of Merchants, Manufacturers and Shippers, 1962.

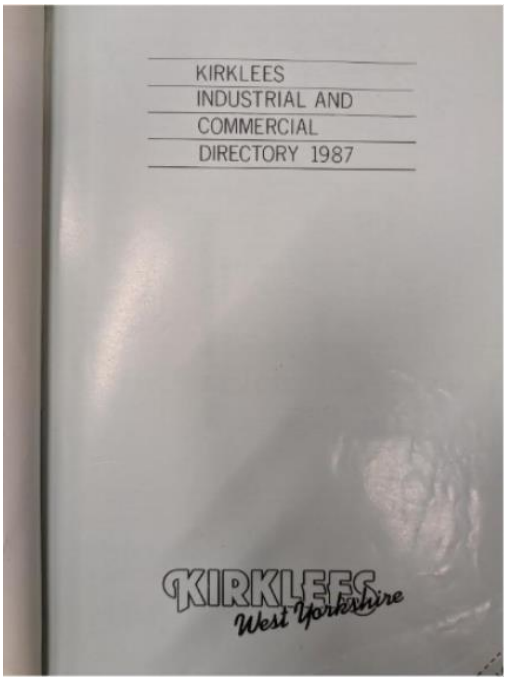
Kirklees Industrial & Commercial Directory, 1987.

In terms of identifying the specific location of the A Roberts & Co works, historic Ordnance Survey maps for Cleckheaton between 1854-1969 are available online from the National Library of Scotland’s website: Map Finder - with Marker Pin - Map Images - National Library of Scotland. View the Stone Street works on the 1969 OS map.

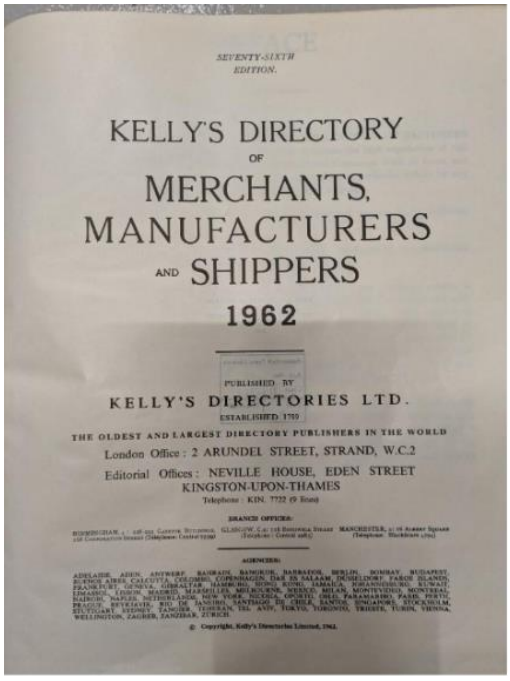
The 1987 Kirklees Industrial and Commercial Directory, A Roberts and Co (Heckmondwike) Limited is identified as a subsidiary of ‘B.P.’ The only other connections to further businesses

that were found was a Companies House entry that confirms that the firm became A ROBERTS PACKINGS LIMITED in 1990 and then WATERLOO MILL SERVICES LIMITED from 1997, which has since been liquidated. Therefore, it is not believed that the archive holds any records relating to A Robert and Co (Heckmondwike) Ltd.

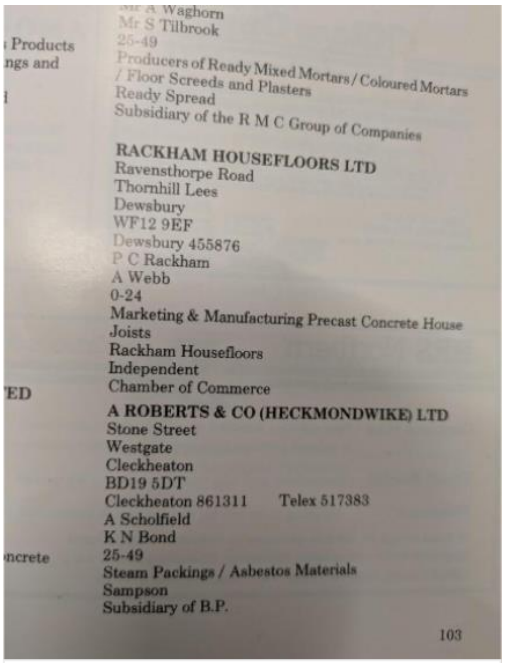
Photographs of the archive materials identified by West Yorkshire Archives in relation to A Roberts & Co. are presented below:



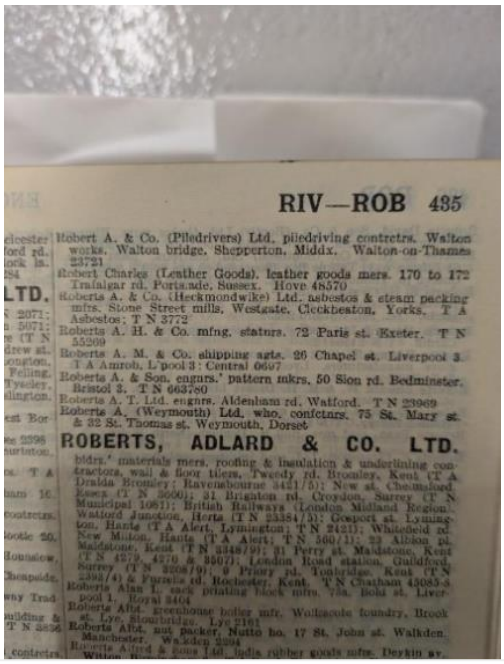
Kirklees Industrial and Commercial Directory. (1987). Image shows the publication front page displaying the full title and publication details. Provided by West Yorkshire Archive



Kelly's Directory of Merchants and Shippers (76th ed.). (1962). Image shows the publication front page displaying the full title and publication details. Provided by West Yorkshire Archive Service Kirklees.



Kirklees Industrial and Commercial Directory. (1987). Directory excerpt showing A. Roberts & Co (Heckmondwike) Ltd. listed at Stone Street, Westgate, Cleckheaton (p. 103). Provided by West Yorkshire Archive Service Kirklees.



Kelly's Directory of Merchants and Shippers (76th ed.). (1962). Directory excerpt showing A. Roberts & Co (Heckmondwike) Ltd. listed at Stone Street Mills, Westgate, Cleckheaton (p. 435). Provided by West Yorkshire Archive Service Kirklees.

“Was the presence of asbestos fully characterised during the site investigation?”

In the approved contaminated land reports, the made ground was described as a heterogeneous mix of materials and in such conditions, it is difficult to establish a complete contamination profile for the site. There is always a possibility that unanticipated ground conditions will be encountered, and this is reflected in the inclusion of appropriate contingency measures.

However, the investigation identified asbestos within the made ground and characterised it sufficiently for the human-health assessment required under the planning regime. The findings were sufficient to confirm a plausible pollutant linkage and to inform the remediation needed to break the exposure pathway for future residents.

Further information in relation to these results can be found in the approved Lithos Geoenvironmental Report (3043/2D, Section 9.3). Lithos conducted the contaminated land investigation for the developer.

“Why was the asbestos risk not disclosed during the planning stage?”

Asbestos is widespread in the environment and its presence in soils on brownfield land is not unusual.

At Westgate, asbestos in the soil was identified in the site investigations submitted and approved as part of the planning process. The asbestos found was limited to made ground on the site and Lithos, who conducted the contaminated land investigation for the developer, noted that this material is heterogeneous, meaning that additional asbestos may be encountered as the works progress.

Any such material must be managed and/or removed in accordance with legislation and recognised good practice. In addition, the approved Remediation Strategy includes measures to protect end-users from asbestos.

No site investigation can eliminate all uncertainty, but the planning permission includes a condition requiring the developer to report and properly address any unexpected contamination discovered during construction. This provides an additional safeguard to ensure that any unforeseen issues, including further asbestos if present, are identified and managed appropriately before the site is brought into residential use.

Asbestos within buildings scheduled for demolition must be managed in accordance with the Control of Asbestos Regulations 2012, typically following a demolition or refurbishment asbestos survey and removal by a licensed contractor under controlled conditions.

Relevant approved documents can be viewed under planning applications 2021/93567 and 2023/93077.

“Has asbestos contamination spread beyond the site boundary?”

From the air monitoring and site inspections carried out, the council is satisfied that the development is being carried out in accordance with planning conditions and that air quality results show nothing of concern. However, the council has received complaints relating to positive asbestos findings in dust samples from properties in the vicinity of the site.

The council is commissioning independent expert advice to review all relevant information and to advise whether further action is required. Asbestos-related issues are complex, and while asbestos can originate from specific sources, it is also widely present in the environment due to factors such as natural weathering and the breakdown of asbestos-containing materials (e.g., insulation, tiles, cement, vehicle parts). This makes expert input essential to determine the appropriate next steps.

“What steps will the council take to address the confirmed presence of both brown and white asbestos fibres in residential properties?”

The council is aware of independent dust testing submitted by residents indicating the presence of asbestos. While this information has been noted, such results do not, on their own, demonstrate that asbestos originated from the site or that site controls have failed, and these results must be considered alongside the wider evidence.

The council is commissioning independent expert advice to review all relevant information and to advise whether further action is required. Asbestos-related issues are complex, and while asbestos can originate from specific sources, it is also widely present in the environment due to factors such as natural weathering and the breakdown of asbestos-containing materials (e.g., insulation, tiles, cement, vehicle parts). This makes expert input essential to determining the appropriate next steps.

At this stage, the council cannot provide a definitive timeline for the review, and appreciates that this may be frustrating. However, please be assured that the council is treating this matter with the utmost seriousness and is committed to protecting residents’ health.

“Why has the council focused on disproving the presence of asbestos rather than conducting thorough testing to confirm or rule it out?”

The council recognises that concerns about asbestos dust are understandably worrying and these complaints have been treated seriously.

Asbestos-containing materials were known to be present in limited parts of the site, as identified in the approved contaminated land reports that supported the planning permission. There was no widespread evidence of asbestos containing materials found during the extensive soil sampling that was undertaken as part of the site investigation work, as part of the planning application stage. The council’s focus has therefore been on whether these materials are being properly managed in accordance with the approved documents.

The council has investigated complaints under the Environmental Protection Act 1990 (statutory nuisance provisions). This has included over 50 monitoring visits, to date, around the site and to complainants' properties.

These visits did not confirm dust leaving the site or accumulating at neighbouring homes at levels that would be considered a statutory nuisance or prejudicial to health at the time of inspection. Residents were also provided with an immediate call out and out-of-hours standby contact arrangement to allow the council to attend promptly if dust was observed. This approach is not intended to diminish the seriousness of the concerns raised but reflects the need to base regulatory decisions on observed conditions and evidence.

The council has engaged with the Health and Safety Executive (HSE) and the UK Health Security Agency (UKHSA). On the evidence available at this time, the council is satisfied that contaminated land risks on the site are being appropriately managed and that no immediate further regulatory action is justified.

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The council is commissioning independent expert advice to review all relevant information and to advise whether further action is required. Asbestos-related issues are complex, and while asbestos can originate from specific sources, it is also widely present in the environment due to factors such as natural weathering and the breakdown of asbestos-containing materials (e.g., insulation, tiles, cement, vehicle parts). This makes expert input essential to determine the appropriate next steps.

At this stage, the council cannot provide a definitive timeline for the review, and appreciates that this may be frustrating. However, please be assured that the council is treating this matter with the utmost seriousness and is committed to protecting residents' health.

"What immediate actions will the council take to protect residents from further exposure to asbestos and other contaminants?"

Contaminants such as asbestos, metals, metalloids, polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs) can be present in the environment for many reasons. Many of these are naturally occurring, while historic land uses and human activity can increase concentrations to levels that require management. Their presence alone does not mean exposure or exposure at a level that could cause harm.

The council has reviewed the asbestos test certificates provided to us by residents and councillors. They are taken very seriously, which is why the council is engaging an independent review of all information received to fully understand any potential exposure risk. This will take all the current evidence, including residents' test certificates, into account.

Public protection is the council's priority. The monitoring of site practices and reviewing of evidence is ongoing as part of the investigation, as well as engaging independent asbestos consultants to undertake air monitoring around the site. At the time of writing, strict controls are in place. The council are working closely with the UK Health Security Agency (UKHSA) and the

Health and Safety Executive (HSE). If any credible risk to residents emerges, the council will act immediately, including stopping works, if necessary.

The relevant approved documents can be viewed under planning applications 2021/93567 and 2023/93077.

Other contaminants and land contamination risk assessment

"Has the reduction in clean topsoil depth been risk-assessed?"

Yes. The approved Remediation Strategy includes a 600mm clean cover layer above a high-visibility marker barrier (e.g. Lotrak Alarm18) in both private gardens and public open spaces. This barrier serves as a physical and visual indicator to prevent future disturbance and is a recognised technique supported by *CIRIA C733 Asbestos in Soil and Made Ground: A Guide to Understanding and Managing Risks*.

The 600 mm cover depth reflects established UK practice for residential settings and aligns with guidance on routine gardening activities, including double digging.

Additionally, the uppermost 400mm of made ground beneath the barrier will be screened and tested to ensure it meets the required standards for use below the clean cover.
This cover system aligns with C733, has been risk-assessed by Lithos, Contaminated Land Consultants and is designed to ensure long-term protection of residents.

"When is a Detailed Quantitative Risk Assessment triggered under the Land Contamination Risk Management (LCRM) framework?"

Under the Land Contamination Risk Management (LCRM) framework, a Detailed Quantitative Risk Assessment is triggered when the preliminary assessment demonstrates that one or more contaminant linkages may present an unacceptable risk, based on the updated conceptual site model. At this stage, further refinement is required to better quantify the scale and nature of risk. The assessor may either undertake a Detailed Quantitative Risk Assessment or proceed directly to options appraisal if the risks are clearly unacceptable and remediation will be required in any case.

Further information can be found in the Land contamination risk management (LCRM) guidance.

"Was a vapour assessment carried out for nearby residential properties?"

No specific vapour assessment for nearby residential properties was undertaken by the applicant as part of the planning application and we do not consider this to be necessary based on the findings in the approved contaminated land reports. Vapour risks arise only where

volatile contaminants are present in soil or groundwater at concentrations and in locations that allow volatilisation and migration towards a receptor.

At the development site, detectable volatile and semi volatile organic compounds were limited to four made ground samples in Area A, recorded in trial pits TP501, TP505, TP512 and TP513. The compounds identified were present at low concentrations consistent with residual coal tar related contamination.

Groundwater results showed the same pattern, with volatile organic compounds detected only in Area A and not elsewhere on the site based on the sampling undertaken. Groundwater level data also indicate that shallow groundwater in this part of the site flows southwards towards the former reservoir area and Blacup Beck, rather than towards the site boundaries where existing residential properties are located.

The current evidence therefore indicates that contamination capable of generating vapours is confined to Area A and is not present in positions where a plausible source–pathway–receptor linkage to nearby residential properties could occur. The detailed quantitative risk assessment by Lithos, who conducted the contaminated land investigation for the developer, addressed only those pathways relevant to the proposed development, namely risks to future site residents and controlled waters.

The approved remediation works, which include excavation and turnover of made ground in Area A and removal of any gross contamination encountered, will further reduce any remaining potential for volatilisation.

The approved documents can be viewed under planning applications 2021/93567 and 2023/93077.

“Has Soil Assessment Criteria for Construction Workers, have been used in the assessment?”

Risks to construction workers are controlled through health and safety legislation, including the Construction (Design and Management) Regulations 2015 and COSHH. Their absence does not affect the contaminated land risk assessment carried out for planning purposes.

“Soil Organic Matter – 1-2% would significantly influence mobility and exposure. How has this been factored into the modelling particularly C4SL?”

Soil Organic Matter (SOM) affects how contaminants behave in soils and lower SOM (around 1 to 2 %) can increase their mobility. In the approved contaminated land reports, Lithos, who conducted the contaminated land investigation for the developer, accounted for this by measuring Total Organic Carbon (TOC) across the site. This can be converted to SOM using the standard factor of 1.72.

Several soil samples tested by Lithos recorded TOC values below the 3.5% assumed in the Category 4 Screening Level (C4SL) model, meaning SOM was lower than the 6% used in generic screening. Where SOM was low, Lithos reviewed and tightened their Tier 1 screening values to ensure a precautionary approach. Any contaminants that could not be screened out were then assessed in the Detailed Quantitative Risk Assessment, which used the site’s actual SOM values rather than the generic CLEA assumption.

In summary, low SOM was recognised on the site and incorporated into both the screening and detailed modelling stages to ensure contaminant mobility and exposure were properly evaluated.

“Are the proposed remediation measures sufficient to protect human health, the environment, and future site users?”

As part of the planning process, the council’s Environmental Health service has reviewed and approved a remediation strategy for the Westgate Development.

If the agreed remediation measures are carried out in full and properly checked, the site can be made suitable for new homes. The remediation proposals include remedial earthworks, the application of clean cover in areas of gardens and soft-landscaping, and the installation of ground gas protection systems in the dwellings.

“Who is responsible for ensuring the remediation strategy is properly implemented and enforced?”

The developer is responsible for carrying out the remediation works in full and ensuring their contractors follow the approved strategy.

This includes meeting the requirements of the National Planning Policy Framework (NPPF), which states that land must be made suitable for its intended use and that assessments and remediation must be undertaken by a “competent person” as defined in Annex 2 of the NPPF, that is, an appropriately qualified and experienced professional with relevant expertise in land contamination.

A competent person must supervise the works, ensure they are completed correctly, and prepare a formal Verification Report demonstrating that all remediation requirements have been satisfied.

The council is responsible for reviewing all information submitted in relation to the discharge of the contamination-related planning conditions attached to the original permission. The council assesses whether the works comply with the approved Remediation Strategy and meet national policy expectations. If works are not completed in accordance with the approved strategy, the council may use its powers under the Environmental Protection Act or Planning Enforcement legislation to require corrective action.

“What measures are in place to prevent future occupiers from digging into remediated ground?”

Remediation secured through the planning process must ensure the land is safe for normal residential use, including routine gardening, without relying on restrictions on digging. This principle is set out in the National Planning Policy Framework (NPPF).

For this site, the approved remediation will achieve this by placing at least 600 mm of clean soil in garden areas, with a high-visibility marker layer installed below. Beneath this marker layer, the uppermost 400 mm of made ground will be screened and tested to confirm it is suitable to remain beneath the cover system. This ensures that normal gardening can take place safely

and that there is a barrier immediately below garden soils. The marker layer provides a visual warning if unusually deep digging occurs, but it is not a legal restriction on excavation.

The correct installation of the clean cover and the preparation of the underlying 400 mm layer will be verified through the required remediation verification report before the properties are occupied. This verification process is secured through the contaminated land planning conditions imposed by the Local Planning Authority under the Town and Country Planning Act 1990.

View the developer's approved remediation strategy for the Westgate Development.

"How is the council addressing the presence of uncovered soil stockpiles and the potential release of vapours and dust?"

The approved Construction Environmental Management Plan (CEMP) and Air Quality Assessment for this development detail good practice measures to limit dust soiling from the earthworks and construction activities in line with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. These controls are designed to limit dust liberation from the site and protect local air quality during construction.

If the council receives complaints from residents suggesting there has been a breach of planning conditions (for example, not following the approved CEMP) or that excessive dust is prejudicial to health or causing significant nuisance, we have a legal duty to investigate. If evidence shows a breach of planning conditions or a statutory nuisance, the council can take enforcement action under the Town and Country Planning Act 1990 or the Environmental Protection Act 1990.

View the approved Construction Management and Mitigation Plan. View the approved Air Quality Assessment).

"What is the council's position on the absence of bunding and sheeting for stockpiled materials, as specified in the remediation strategy?"

The approved Construction Environmental Management Plan (CEMP) and Air Quality Assessment for this development detail good practice measures to limit dust soiling from the earthworks and construction activities in line with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. These controls are designed to limit dust liberation from the site and protect local air quality during construction.

If the council receives complaints from residents suggesting there has been a breach of planning condition (for example, not following the approved CEMP) or that excessive dust is prejudicial to health or causing significant nuisance, we have a legal duty to investigate.

View the approved Construction Management and Mitigation Plan. View the approved Air Quality Assessment).

“Is the Construction Environmental Management Plan (CEMP) or Dust Management Plan (DMP) actively monitored and enforced on site, and by whom?”

It is the duty of the developer to ensure the approved Construction Environmental Management Plan (CEMP) and necessary dust controls within the approved Air Quality Assessment for the Westgate development are implemented. Compliance is secured through planning conditions imposed by the Local Authority (the council) under the Town and Country Planning Act 1990.

For the Westgate development, Condition 5 (Dust Management Plan) and Condition 11 of the previous permission (ref: 2021/93567) require the developer to adhere to the approved plans throughout the course of the development.

View the approved Construction Management and Mitigation Plan. View the approved Air Quality Assessment.

Developers use a variety of methods to design, manage and monitor construction activities (such as piling) to ensure compliance with their statutory and civil responsibilities. The developer has a legal duty to implement these plans, and the council has a duty to enforce compliance, where necessary.

If the council receives complaints from residents suggesting there has been a breach of planning conditions (e.g., not following the approved CEMP) or there is excessive dust that is prejudicial to health or causing significant nuisance, then the council has a duty to investigate.

The nature of the case and the evidence gathered during the investigation will determine the next steps. Different legislation applies depending on the issue. If there is sufficient evidence of a breach of planning conditions, the council can take action under the Town and Country Planning Act 1990, which may include serving a Breach of Condition Notice or an Enforcement Notice. If the issue amounts to a statutory nuisance (dust or noise that is prejudicial to health or causing significant nuisance), the council can act under Part III of the Environmental Protection Act 1990. This may involve serving an Abatement Notice requiring the nuisance to stop or be controlled. Failure to comply is a criminal offence.

In the case of the Westgate development, the council is aware of residents’ concerns about the development being carried out in accordance with legislation and good practice. The council have been working with the developer to make sure dust and noise are managed effectively. The developer is expected to undertake all activity in accordance with the approved plans and relevant guidance. Since June 2025, the council has undertaken over 50 monitoring visits around the site to verify that appropriate dust suppression controls are in place.

“Why is the Construction Environmental Management Plan (CEMP) only three pages long?”

The complete approved Construction Environmental Management Plan (CEMP), which includes mitigation measures, is available online on the planning portal under planning application number 2023/93077.

Health of on-site workers, local people, pets, and wildlife

"What safeguards are in place to protect public health during the development phase, not just at the validation stage?"

The development is subject to an approved Construction Environmental Management Plan (CEMP) and Air Quality Assessment, which set out good practice measures in line with Institute of Air Quality Management (IAQM) Guidance.

These measures include covering or damping down dusty materials, sheeting loads leaving the site, wheel washing and road sweeping to prevent dust track-out to minimise dust emissions.

These controls must be applied throughout the construction phase to prevent dust and other pollutants from affecting public health.

Compliance with the approved documents is the legal duty of the developer and any complaints must be investigated by the council.

If evidence shows a breach of planning conditions or a statutory nuisance, the council can take enforcement action under the Town and Country Planning Act 1990 or the Environmental Protection Act 1990.

For further information about enforcement, see '*Is the Construction Environmental Management Plan (CEMP) or Dust Management Plan (DMP) actively monitored and enforced on site, and by whom?*'.

Relevant approved documents can be viewed under planning applications 2021/93567 and 2023/93077.

"What criteria have been used to assess risks to construction workers?"

In the Lithos reports, it states that transient risks to construction workers will be addressed by the adoption of appropriate health and safety measures in accordance with the Health and Safety at Work Act 1974, and regulations made under the Act including, for example, the Control of Substances Hazardous to Health (COSHH) Regulations.

The regulator for risks to construction workers is the Health and Safety Executive (HSE). The concerns of residents have been referred to the HSE.

"Are there risks to human health from site activity or airborne pollutants?"

The evidence available has not shown anything of concern to human health from site activity or airborne pollutants. During construction, dust and emissions are controlled through the approved Construction Environmental Management Plan (CEMP) and Air Quality Assessment, which set out measures to prevent significant releases to the surrounding area.

To provide independent reassurance, the council commissioned perimeter air monitoring during site works. No unacceptable risks to human health are expected once the development is complete, as the approved remediation will ensure the land is suitable for residential use.

View the approved Construction Management and Mitigation Plan. View the approved Air Quality Assessment.

"What unknown risks to human health may be associated with this site?"

The investigations and risk assessments submitted with the application are intended to identify contaminants that could pose a risk to human health. Although the made ground on this site is heterogeneous, which is typical of former industrial land, this was accounted for through extensive sampling, laboratory testing and risk assessments presented in the approved contaminated land reports. The contaminants identified have been assessed in detail and the approved remediation has been designed to address these risks.

No investigation can rule out every uncertainty but the planning permission for the Westgate development includes a condition requiring the developer to report and properly deal with any unexpected contamination uncovered during construction. This provides an additional safeguard to ensure that any unforeseen issues are identified and managed before the site is brought into residential use.

On the basis of the evidence submitted and the controls in place, the council does not consider there to be any unknown risks that would prevent the site from being made suitable for residential development.

The relevant approved documents can be viewed under planning applications 2021/93567 and 2023/93077.

"Are there risks to pet health from site-related contamination?"

The contaminated land assessments submitted with the application show no plausible pathway for site-related contamination to reach neighbouring gardens following the approved remediation, and therefore no risks to existing pets are expected once the development is complete. During construction, dust and materials should be controlled through the approved Construction Environmental Management Plan and Air Quality Assessment, which prevent significant off-site emissions of dust. As garden areas within the development will receive a verified clean soil cover, no unacceptable risks to pets living at the new properties are expected either.

View the approved Construction Management and Mitigation Plan. View the Air Quality Assessment.

"What risks does the site pose to school children using adjacent rights of way?"

Based on the evidence from the site investigations and the remediation now underway, the council does not consider the works to pose a risk to schoolchildren using the nearby rights of way. The approved remediation works and the construction controls in place are designed

to ensure that soil and dust cannot migrate off site. Taking all of this into account, the council is satisfied that the site does not present a significant risk to children using the adjacent footpaths.

If any unexpected contamination is discovered during the works, the developer must report it to the council immediately so that it can be assessed and managed appropriately.

“Why are plants near the site dying, and could this indicate contamination?”

It can be understandably concerning to notice changes in your garden, particularly near an active construction site. At this time, the council has not observed any visual evidence of plant dieback that would suggest contamination from site activities.

While plant decline can occasionally be linked to pollution, it is more commonly caused by other environmental stressors, especially following an unusually hot and dry summer.

Air monitoring, dust control, and regulatory oversight

“Is the current air quality monitoring setup considered inappropriate?”

Based on the information provided, the air quality monitoring setup during remediation is not considered inappropriate.

The remediation contractor is using the AQMesh Pod Smart Solar Pack, which employs an optical particle counter capable of simultaneous and continuous measurement of multiple particulate size fractions, including PM_{10} and $PM_{2.5}$, both relevant to dust emissions from earthwork activities. The device’s limit of detection is reported as 0 µg/m³, meaning it can detect even very low concentrations of fine particulate matter.

These features indicate that the equipment is technically suitable for dust monitoring and aligns with standard expectations for real-time monitoring at construction sites.

For further context, the Institute of Air Quality Management (IAQM) *Guidance on Monitoring in the Vicinity of Demolition and Construction Sites* (October 2018, version 1.1) provides a summary of the advantages and disadvantages of principal dust monitoring techniques, which may help assess the broader suitability of the chosen method.

“Does the air quality monitoring set up monitor dusts derived from soot/ash/clinker?”

The AQMesh Pod with a Smart Solar Pack used by the remediation contractor to monitor air quality on site is capable of detecting fine particulate matter such as PM_{10} and $PM_{2.5}$, which are commonly associated with combustion residues including soot, ash, and clinker. The system uses an optical particle counter that can measure multiple particulate size fractions

simultaneously and continuously, with a limit of detection reported as 0 µg/m³. This means it is sensitive enough to detect even very low concentrations of airborne particulates.

Given these capabilities, the current monitoring setup is technically suitable for identifying and tracking air quality concerns related to soot, ash, and clinker. It provides real-time data that can help assess potential impacts from such emissions, particularly in the context of construction or earthwork activities.

For further context, the Institute of Air Quality Management *Guidance on Monitoring in the Vicinity of Demolition and Construction Sites* (October 2018, version 1.1) offers a summary of the strengths and limitations of principal dust monitoring techniques, which may support broader evaluation of the monitoring strategy.

"Why hasn't the Air Quality Impact Assessment been shared with residents?"

The Air Quality Impact Assessment received as part of the planning permission is available on the relevant planning application page. View the Air Quality Assessment for Westgate, Cleckheaton.

"How does this issue relate to the Clean Air Bill?"

The Clean Air (Human Rights) Bill is a proposed law that would give everyone a legal right to breathe clean air. If passed, it would require government and public bodies to meet World Health Organization (WHO) standards for pollutants, including fine particles (dust). At present, this Bill is not law, so local authorities continue to operate under existing legislation such as the Environment Act 1995 and Air Quality Standards Regulations 2010, which require monitoring and action plans but do not create an individual legal right to breathe clean air.

There is currently no evidence to suggest that the development is causing poor local air quality.

Read more on the council's Air Quality page. Further information is available on the Clean Air (Human Rights) Bill.

"Can the council confirm which air monitoring equipment was used and provide the corresponding results?"

For general dust monitoring, the developer's contractor deployed AQMesh Smart Solar Pack monitors. These are optical particle counters that measure the concentration of airborne particulate matter (PM_{10}, $PM_{2.5}$ and PM_1) and report results in micrograms per cubic metre (µg/m³). These monitors indicate how much dust is present in the air but do not identify the material type and are not capable of detecting or characterising asbestos fibres.

To provide reassurance to residents, the council commissioned independent environmental air monitoring at the site perimeter. This has been undertaken by Kordus Consulting Limited using Phase Contrast Microscopy (PCM), which draws air through a filter cassette and counts total airborne fibres. The PCM method does not distinguish between asbestos and non-asbestos fibres but is appropriate for public reassurance monitoring. There has been a total of 46 monitoring visits by Kordus at the time of writing.

None of the perimeter air monitoring results exceeded the limit of quantification, and no elevated fibre levels were identified during the monitoring period. Monitoring was undertaken primarily using a more sensitive clearance indicator of 0.005 fibres/ml, which is twice as sensitive as the standard clearance indicator (0.01 fibres/ml). To date, the independent consultant has concluded that during the air monitoring visits, no unusual air test results were observed.

The council is satisfied that the monitoring equipment used by the developer, and the results obtained from the monitoring undertaken by Kordus, are appropriate for assessing public health risk at the site boundary.

"Is the mobile tripod capable of detecting particulate matter as fine as 0.01 microns?"

The AQMesh Smart Solar Pack used by the remediation contractor is an optical particle counter. It works by detecting how particles scatter light and then estimates the amount of dust in the air. This is reported as a concentration in micrograms per cubic meter (µg/m³). The unit measures how much dust is present, not how small the particles are.

While the device can detect common particle sizes like PM_{10} (10 microns or smaller), $PM_{2.5}$ (2.5 microns or smaller), and PM_1 (1 micron or smaller), it is not designed to detect particles as small as 0.01 microns, which are far below its detection range.

These are standard size ranges that are widely used in public health and regulatory assessments. The council is satisfied that the reported monitoring equipment used is appropriate for assessing and managing dust emissions associated with construction activities.

"Were sampling durations sufficient (e.g. full 8-hour operational periods) to ensure accurate airborne contaminant analysis?"

This is a broad question that can relate to different types of monitoring, including construction dust monitoring, environmental reassurance testing at the site perimeter, and personal asbestos exposure monitoring. Durations will vary depending on the analysis being undertaken.

The council is satisfied that the monitoring equipment used by the developer, and the monitoring undertaken by Kordus, are appropriate for assessing public health risk at the site boundary.

"Should the site have been designated as Contaminated Land under Part 2A of the Environmental Protection Act 1990?"

Based on the information currently available, there is no evidence at this stage to warrant formal designation of the site as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

Under 'Part 2A', land can only be designated as 'contaminated' if a significant pollutant linkage is established. This requires a link between:

- Source: A substance in, on, or under the land that has the potential to cause harm (e.g. heavy metals, hydrocarbons, asbestos).
- Pathway: A route by which the contaminant could reach a receptor (e.g. ingestion, inhalation, dermal contact, leaching into groundwater).
- Receptor: A person, organism, controlled water body, or property that could be harmed.

To meet the legal threshold, there must be robust evidence of a significant possibility of significant harm (SPOSH) to human health or the environment, or actual pollution of controlled waters.

The approved Geoenvironmental Appraisal included soil sampling and a quantitative risk assessment. The results were compared against Generic Assessment Criteria (GAC) for a residential end-use. These are precautionary thresholds and while exceedances may trigger further investigation or remediation under planning controls, they do not automatically indicate Part 2A designation is necessary.

At present, the available data does not demonstrate that SPOSH thresholds have been met. Therefore, formal designation under Part 2A is not justified at this time. The council will continue to review any new evidence and reassess if conditions change.

The approved contaminated land reports can be found on the planning portal under the relevant planning applications 2021/93567 and 2023/93077.

“Why hasn’t the site been investigated under Part 2A of the Environmental Protection Act?”

Where sites are required to deal with previous contamination, the council usually requires planning permissions to include conditions to cover remediation strategies. These are then approved by the council, after being checked. The developers are then required to carry out construction activities in accordance with approved remediation strategies and produce verification reports afterwards to confirm they have done the remediation in accordance with the approved details.

Most ‘potentially contaminated’ sites can be cleaned up through specialist methods to remove contamination and make it suitable for redevelopment. Developers are required by law to deal with contamination through the planning process.

Where land is brought forward for development, through site investigation reports the council may find out information not previously known about the level of contamination on a site. In these cases, the council will use the information to apply the right development conditions to ensure the land does not become contaminated land, as defined by Part 2A of the Environmental Protection Act 1990. This is done by introducing new receptors and pollutant linkages to the site as part of the development. If there is information brought to light that shows there are pollutant linkages already in existence, the council will consider its duties under ‘Part 2A’. However, this is often not the case, and land contamination and be dealt with under the planning system.

The council will use the appropriate local and national policies, guidance issued by national government and agencies as well as nationally recognised industry guidance when considering potentially contaminated land.