

**Proposed replacement dwelling at Kirklees Valley Farm, Lower Kirklees Street,
Tottington BB8 3NY.
(Resubmission)**

Potential for the presence of abnormal levels of contamination

Part of the site has had residential accommodation on it for several years, including the associated use of land for growing vegetables.

The proposed relocation site has been occupied by a stable block since 1979 when the applicant's father constructed 14 stables on the site. These lasted until 2010 when the site was cleared and when the current stable block was erected in its place and on the same foundations.

The following photograph shows the stables when first constructed in 1979.



Thus, there has been no activity on the proposed relocation site which has given rise to any abnormal levels of contamination.

The Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance(2012) advises as follows: -

"Normal" presence of contaminants

3.21 The Part 2A regime was introduced to help identify and deal with land which poses unacceptable levels of risk. It is not intended to apply to land with levels of contaminants in soil that are commonplace and widespread throughout England or parts of it, and for which in the very large majority of cases there is no reason to consider that there is an unacceptable risk.

3.22 Normal levels of contaminants in soil should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise. Therefore, if it is established that land is at or close to normal levels of particular contaminants, it should usually not be considered further in relation to the Part 2A regime and the local authority should have regard to paragraphs 5.2 to 5.4 of this Guidance.

3.23 For the purpose of this Guidance, "normal" levels of contaminants in soil may result from:

(a) The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given area and have not been shown to pose an unacceptable risk to health or the environment.

(b) The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include diffuse pollution caused by historic use of leaded petrol and the presence of benzo(a)pyrene from vehicle exhausts, and the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

3.24 In deciding whether land has normal levels of contaminants, the local authority should consider whether contamination is within the bounds of what might be considered typical or widespread:

(a) locally, if there is sufficient information to make a reasonable consideration of what is normal within a local area; and/or (b) regionally or nationally in broadly similar circumstances, having due regard to similarity in terms of land use and other relevant factors such as soil type, hydrogeology, and the form of the contaminants.

3.25 The local authority should decide that normal levels of contaminants exist in relation to land where: (a) those levels are not significantly different to those likely to be typical or widespread within the authority's area, or in other similar areas; and/or (b) those levels are common or usual in similar land use situations across England or parts of it; and (c) there is no specific reason to consider that those levels of contaminants are likely to pose an unacceptable risk.

3.26 It is possible that specific pieces of land at or slightly above normal levels of contamination with regard to specific substances may pose sufficient risk to be contaminated land, and that remediation of such land may bring significant net benefits. However, such cases are likely to be very unusual and the authority should take particular care to explain why the decision has been taken, and to ensure that it is supported by robust scientifically-based evidence.

Further, in this instance the cabin dwelling will not have foundations requiring penetration into the ground. It will be placed on the site, as now, without this necessity.

We would be content with the following condition should any condition deemed to be necessary: -

If during any works on site land contamination is caused, found or suspected the Local Planning Authority shall be notified immediately. Within one month of such notification taking place a risk assessment (together with a scheme including full details of any proposed remediation measures and timescales for their implementation) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be carried out in accordance with the agreed details and prior to first occupation of the dwelling a verification report (demonstrating that the approved remediation measures have been carried out in

accordance with the approved details) shall be submitted to the Local Planning Authority for its approval.

Reason: In the interests of preventing land contamination causing harm to future occupants of the development, neighbours and ground & surface waters.