

**Town and Country Planning Act 1990  
Application for Permission to Develop Land**

**Response from Pollution & Noise Control**

<b>PNC Reference No:</b>	WK/201723142
<b>Name of Planning Officer dealing with the matter:</b>	Farzana Tabasum
<b>Application Number:</b>	2016/92298
<b>Proposed Development:</b>	Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)
<b>Location:</b>	North Bierley Sewage Treatment Works, Bradford Road, Oakenshaw, Bradford
<b>Date Required By Planning:</b>	16/11/2017

**COMMENTS**

In our previous response dated 26 April 2016 we recommended refusal of the application mainly because we considered that the proposed residential part of the development placed residential properties in a location that would be significantly affected by noise from the nearby motorway and also from traffic accessing the commercial part of the development.

We also considered the submitted Phase 2 contaminated Land report could not be assessed in the absence of the Phase 1 report that is referred to in the Phase 2 report. In addition, because the Phase 1 report was produced in 2006, for it to be acceptable it would need to be accompanied by a supplementary report that addresses the intervening period between 2006 and now.

Regarding air quality, in the original application the applicant had not allocated the emissions damage costs against relevant low emission mitigation. We advised that it would be necessary to require the developer to provide the local authority with a plan of air quality mitigation, the cost of which should reflect the damage costs from emissions from this site.

The applicant has now revised the application removing the residential part increasing the

commercial part.

**Noise**

Part 12 of the Environmental Statement Addendum – Volume 1 dated November 2017, prepared by AECOM, provides an addendum to the original Noise and Vibration assessment that was contained in the Environmental Statement dated July 2016. Additional information is also contained in a Separate Technical Appendices in Part 2.

The addendum report frequently report back to the original report and also details numerous deletions, amendments and replacements of paragraphs and tables in the original report. To assess the new report it is necessary to read the two reports side by side making it unnecessarily difficult to read.

The paragraphs in the addendum report are numbered, starting at A12.1 through to A12.59 and then continue with numbering from A12.30 to A12.81 resulting in there being 30 different paragraphs with duplicate numbers making it impossible to clearly refer to specific paragraphs by their numbers.

The measurement data is inconsistently reported throughout the document. Examples are highlighted in the tables below.

ML1	Day L <sub>Aeq</sub>	Night L <sub>Aeq</sub>	Lowest Day L <sub>90</sub>	Lowest Night L <sub>90</sub>	L <sub>max</sub> Night
Table A12.6	63.4 - 66.7	58.4 - 61.8	55.7	47.2	75.4 - 82.2
Table A12.9	61	54	52	45	82

ML3	Day L <sub>Aeq</sub>	Night L <sub>Aeq</sub>	Lowest Day L <sub>90</sub>	Lowest Night L <sub>90</sub>	L <sub>max</sub> Night
Table A12.7	61.1 - 62.5	56.1 - 58.9	56.9	49.7	67.4 - 78.2
Table A12.9	62	53	57	43	75
Table A12.13			52	45	

ML4	Day L <sub>Aeq</sub>	Night L <sub>Aeq</sub>	Lowest Day L <sub>90</sub>	Lowest Night L <sub>90</sub>	L <sub>max</sub> Night
Table A12.8	62.0 – 62.8	48.6 - 55.3	56.4	42.3	64.2 - 75.0
Table A12.9	62	57	57	51	78
Table A12.12			57	43	

Table A12.12 relates to Dwellings along Bradford Road (ML4) and Table A12.13 relates to Dwellings along Mill Carr Hill Road/Cliff Hollins Lane (ML3). The location description does not match the monitoring location reference, leading to ambiguity of the results

The report refers to the West Yorkshire Planning Consultation Guidance (WYPCG) March 2016. I accept that this document bears the Kirklees Logo and may have been accepted by other authorities in West Yorkshire but I understand that Kirklees Council has not formally adopted this document and the document does not appear on the Kirklees Website.

Taking into consideration:-

- the significant change in the nature of the application through removing the residential element and increasing the extent of the commercial use

- the numerous references to, and changes of parts of the original assessment
- the numbering of some of the paragraphs being repeated in the document
- the errors that occur in relation to the reporting of the measurement data

it is considered that the submitted noise assessment report is completely unacceptable. A completely revised and corrected stand-alone noise assessment for the current application should therefore be provided.

I understand that the site layout has yet to be finalised. There is an opportunity to use the commercial unit closest to the existing residential properties at Cliff Hollins Lane as an acoustic barrier for the remainder of the site. We would therefore expect that this is considered when deciding the final layout together with ensuring that this unit is allocated to a less noisy use and that potentially noisy activities at this unit (such as service yard area and external plant) are orientated so that they are at the far side of the unit away from the residential properties.

I therefore consider that it is necessary to recommend a condition requiring a satisfactory noise impact assessment.

### **Contaminated Land**

Part 12 of the Environmental Statement Addendum – Volume 1 dated November 2017, prepared by Wardell Armstrong, deals with Land contamination. As with the noise report an addendum to the contaminated land report is provided; again requiring the difficulty and inconvenience of having to read the two reports to side by side. Also the Phase 1 Contaminated land report referred to and an updating supplement to this report has again not been provided. Without this additional information, the submitted Phase 2 contaminated Land report cannot be effectively assessed.

It is therefore necessary to require contaminated Land conditions.

### **Air Quality**

Part 13 of the Environmental Statement Addendum – Volume 1 dated November 2017, prepared by AECOM, considers air quality.

We have not yet has sufficient opportunity to fully assess the air quality information, a response regarding air quality will follow in due course.

### **Recommended Conditions**

**NC8** Before construction works commences a report, specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 6 – 16 (even numbers) Cliff Hollins Lane and 561 – 591 (odd numbers) and 626 - 676 (even numbers) Bradford Road from noise from the proposed development, shall be submitted to and approved in writing by the LPA. The report shall include

- a) an assessment of noise emissions from the proposed development
- b) details of background and predicted noise levels at the boundary of the above mentioned residential properties
- c) a written scheme of how the occupants of the above mentioned properties will be protected from noise from the proposed development with noise attenuation

measures as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

**CLC1 *Submission of a Preliminary Risk Assessment (Phase 1 Report)- Condition***

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

**CLC2 *Submission of an Intrusive Site Investigation Report (Phase II Report) - Condition***

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**CLC3 *Submission of Remediation Strategy - Condition***

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2)] groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**CLC4 *Implementation of the Remediation Strategy - Condition***

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**CLC5 *Submission of Validation Report - Condition***

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Air Quality**

Recommendations regarding Air Quality will follow.

**Date:**

10 Nov 2017

**Officer:**

Richard Hume 01484 221000