

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2019/90486 - 120, Laund Road, Salendine Nook, Huddersfield, HD3 3TY		
Demolition of existing dwelling and erection of 8no. dwellings		
Date Responded: 14 Nov 2019	Responding Officer: Richard Hume	Responding Ref: WK/201903882
Contaminated Land This site has been the subject of a previous application (No. 2014/93584) for which the full range of contaminated land conditions were imposed. An application for discharge of conditions (2018/90491) was subsequently submitted; we assessed a Phase 1 contaminated land report submitted with that application and recommended that condition 12 was discharged and advised that a phase 2 report was still required. This was in accordance with condition 13 and the recommendations in the Phase 1 report. The current application relates to the same site but for a change in the proposals. We originally provided a consultation response for this application in on 12 March 2019 in which we referred to the above mentioned previous applications and again recommended contaminated land conditions requiring at least a Phase 2 contaminated land report. We accepted the Phase 1 report that had been previously submitted with the early discharge of conditions application. A Phase 2 GeoEnvironmental Investigation and Coal Mining Risk Assessment Report by Earth Environmental & Geotechnical dated 17 October 2019 (ref: A0697/19) has since been submitted. The report includes geotechnical information which is outside the remit of Environmental Health; this response therefore only relates to the contaminated land aspects of the report. The report details an intrusive investigation of the site comprising of 17 trial pits, 9 boreholes, analysis of 10 soil samples and ground gas monitoring at 4 monitoring wells. The investigation found topsoil in parts of the site and notes that it had been stripped in some other areas and stockpiled on site. Made ground was present across the site from 0.1 to 2.0m deep. Shallow coal seams were found below the site but there was no evidence of them being worked but there was evidence to suggest bell pit mining had occurred at parts of the site. Analysis of soil samples found elevated levels in 8 of the 10 samples including asbestos in some samples. Ground gas monitoring found Methane concentrations up to 0.1%, CO2 to 15.2%, O2 down to 4.2%, flow rate (initial) up to 37 l/hr. The report concluded that the soils on site present a medium risk to construction workers and future users of the site. It recommends the provision of clean capping layer to address this. The report also concludes that the ground gas presents only a low risk to future users of the site and characterised it as characteristic Situation 1 (CS1) requiring no gas protection measures. The site investigation is considered to be largely satisfactory and the assessment of the soils is accepted. However, the ground gas monitoring comprising of just 4 visits over just 21 days falls well short of that recommended guidance. 9 to 12 visits over 6 months would be considered more appropriate to enable the gas situation of the site to be characterised with an		

adequate degree of confidence. In addition, the assessment of the limited monitoring results is based on a recently published paper in a magazine rather than existing well established and accepted guidance provided in BS 8485 and CIRIA C665. Using the recognised guidance to assess the monitoring data would result in the site being characterised as at least CS2 and possibly even CS4 rather than CS1 as concluded in the report. Whilst it is acknowledged that the authors of recently published paper are well respected on the subject of ground gas, the paper is not accepted and recognised guidance and therefore an assessment conclusion based on this paper cannot be accepted.

Therefore, because the ground gas monitoring comprised of insufficient monitoring visits which were over too short a monitoring period and the conclusions relied on a paper recently published in a magazine rather than widely accepted published guidance the Phase 2 report is considered to be unacceptable. Conditions relating to contaminated land, including a Phase 2 report are therefore necessary.

Electric vehicle Charging points

In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

Recommended Conditions

CLC2 *Submission of a Phase 2 Intrusive Site Investigation Report - Condition*

Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC3 *Submission of Remediation Strategy - Condition*

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

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 (except 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

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 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC 7 Contaminated land - Footnote

All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed to plots, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51

of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 *Electric Vehicle Charging Points – Footnote*

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.