

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2020/91488 - Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET		
Reserved matters application pursuant to outline permission 2016/92298 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)		
Date Responded: 10 July 2020	Responding Officer: Natalie Heaney	Responding Ref: WK/202014104
A Phase II Site Investigation report by Curtins dated 3rd December 2019, (ref: 065646-CUR-00-XX-RP-GE-001) has been received. I have read the assessment supplied by the applicant. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. The Phase II report states that soil analysis results reported 1 sample to have elevated total cyanide (WS101). However, I agree that as the reported figure is total cyanide that this is unlikely to pose a risk. Furthermore, the report recommends that the soil where elevated cyanide is found is removed and replaced. I am satisfied with this aspect of the report. The gas monitoring results were undertaken in a previous Phase II report (Former North Bierley WWTW Phase II Geo-Environmental Assessment by Wardell Armstrong, dated November 2017, ref: RPT-002C). The results from 6 gas monitoring rounds over a 12-month period identified a no elevated ground gas emissions in the area of development. As such the report suggests ground gas protection measures in line with Characteristic Situation 1 (CS1) following guidance CIRIA 665 – <i>Assessing risks posed by hazardous ground gases to buildings</i>. The report also shows elevated ground gas emissions within an area of possible shallow mining. Ground gas monitoring for BH5 outside the development site showed significantly elevated methane emission (max 34.6% and flow rate of 0.2 l/hr) which gives a gas screening value of 0.069 l/hr pertinent to CS1. In the previous Phase II Geo-Environmental Assessment by Wardell Armstrong dated November 2017 (ref: RPT-002C), it was suggested gas protection elements should be elevated to CS2 due to the high emission rate in the southern area of the site. I agree with this previous proposal. However, the current report concluded that this gassing regime does not pose a risk to the proposed development as it is offsite. As stated in the submitted report, the proposed site has highly variable ground conditions with deeper areas of made ground in the former waste water treatment area whilst the to the west of the site has little to no made ground. It is possible that ground gas may migrate through more permeable strata such as made ground, on to the development site and pose a risk to receptors. The current justification of lower risk ground gas and CS1 across the site is insufficient. Further clarification is required to show whether ground gas migration from the region of known elevated ground gas emissions will affect the proposed site and whether the report conclusions of low ground gas risk and CS1 is fitting of the site scenario. For this reason, I		

reject the findings of the Phase II report.

In conclusion, based on the requirements of Condition 30 of the original permission 2016/92298, the submitted information for the current application has identified new contamination risks (i.e. cyanide and significantly high levels of methane). I agree remediation for the cyanide is required and it is likely remediation is required for methane ground gas unless satisfactory evidence confirms, to a high degree of confidence, that no risk of ground gas exposure to receptors exists and that the proposed CS1 measures will adequately protect the whole of the site at end-use. For these reasons, contaminated land conditions apply.

Electric Vehicle Charging

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

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 (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.

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 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:

- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated commercial 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
- At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may 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.