

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/90552 - Land off, Ravensthorpe Road, Dewsbury, WF12 9EE
Formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates
Date Responded:
24th May 2021
Responding Officer:
Natalie Heaney
Responding Ref:
WK/202106740
Contaminated Land

The application relates the formation of 43 allotments, 17 car parking spaces, a new access road and 1.8m high palisade fencing with access gates. In our previous consultation response dated 13th May 2021 we concluded that:

1. Several reports authored by Rogers Geotechnical Services Ltd submitted for consultation were satisfactory. Specifically, these were, the Phase I Environmental Desk Study dated 9th October 2020 (ref: C1035/20/E/1613), the Coal Risk Assessment dated 14 Oct 2020 (ref: C1035/20/E/1615) and the Coal Investigation Report dated 28th January 2021 (ref: C1035/20/E/1902).
2. Environmental Report by Rogers Geotechnical Services Ltd dated 28th January 2021 (ref: C1035/20/E/1613/R1) was unsatisfactory due to further information required concerning bioaccessibility testing and clarification of several contradictory points within the text presented.
3. The information presented in the Remediation Statement for Topsoil by Ashton Bennett dated January 2021 (ref: Report KC 3464REM Rev 1) was unsatisfactory due to an insufficient justification for the choice of soil screening values presented in Table 2 of the report.

Subsequently, we recommended CLC2-5 and CLC7 conditions relating to the Phase II investigation and the next phases of the development.

Now, an Environmental Report by Rogers Geotechnical Services Ltd dated 19th May 2021 (ref: C1035/20/E/1613/R2) has been received. The Remediation Strategy is now also included in this report and we have been advised that the previously submitted Remediation Statement for Topsoil by Ashton Bennett dated January 2021 (ref: Report KC 3464REM Rev 1) is to be withdrawn.

I have read the reports provided. The reports include 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.

Comments

Substantial information has been added in Section 9.1.1 of the report. Now, the results of the bioaccessibility assay are clearly presented and supported with in-text commentary. Table 6 shows that all six of the samples contained between 0.39 and 12% bioaccessible arsenic.

A revised conceptual model on Pages 14 and 15 has removed the previous reference to

further testing and information now supports the bioaccessibility results presented i.e., indicates that arsenic is not likely to adversely affect human receptors. The report also provides new information on Waste Acceptance Criterion (Pages 9 to 11) and Water Sampling (Page 11 to 12) which is considered satisfactory.

From Page 16 of the Environmental Report (ref: C1035/20/E/1613/R2), the remediation strategy is presented. The report acknowledges the sensitive end-use and the requirements for remediation due to arsenic contamination. A capping layer of 600mm inert material is recommended (to comprise 250mm topsoil, 250mm sub-base underlain by a 100mm granular capillary break of 100mm of free-draining granular soil. The report concludes by providing information concerning imported fill, unexpected contamination, and validation proposals. For this reason, we consider the remediation strategy provided within the Environmental Report (ref: C1035/20/E/1613/R2) is sufficient as a stand-alone remediation report.

In summary, the revised information provided in the Environmental Report by Rogers Geotechnical Services Ltd dated 19th May 2021 (ref: C1035/20/E/1613/R2) is considered satisfactory and conditions relating to Phase II (CLC2) and remediation strategy (CLC3) are no longer necessary.

Recommendations

For the reasons detailed, we consider that the new information provided in the Environmental Report by Rogers Geotechnical Services Ltd dated 19th May 2021 (ref: C1035/20/E/1613/R2) satisfies the requirements of the previously recommended Phase II condition (CLC2) and remediation strategy condition (CLC3). As such, CLC2 and CLC3 should be removed. Conditions CLC4, CLC5 and CLC7 should remain.

Our recommendations relating to EVCPs and Construction Hours as detailed in our May 13th response should remain unchanged.

For clarity, our recommendations are now:

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 by a suitably competent person

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 by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

EVC1 Electric Vehicle Charging Points - Condition

In the event that an electricity supply is to be provided at the proposed development, before any 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 providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-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 LP20, LP24 and LP47 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) and up to 32A (7kW). The higher output is more likely to be futureproof
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of 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.

CSC1 Construction Site Working Times - Condition

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.