

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2021/90800 - Hinchliffe Mill, Water Street, Holmbridge, Holmfirth, HD9 2NX</b>		
<b>Redevelopment and change of use of former mill site to form seven residential units within the mill building and erection of 17 dwellings (within a Conservation Area)</b>		
<b>Date Responded:</b> 7 <sup>th</sup> March 2022	<b>Responding Officer:</b> Natalie Heaney	<b>Responding Ref:</b> WK/202107286
<p>Environmental Health has been reconsulted on the above application. Having reviewed the application, we provide the following comments and recommendations:</p> <p><b>Contaminated Land</b></p> <p>In our response dated 15<sup>th</sup> April 2021, we commented on the following documents that had been submitted in support of the application:</p> <ol style="list-style-type: none"> <li>1. Phase 1: Desk Top Study and Coal Mining Risk Assessment Report by Arc Environmental dated 12<sup>th</sup> October 2017 (Ref: 17-790)</li> <li>2. Phase 2: Ground Investigation Report by Arc Environmental dated 21 Oct 2011 (ref: 10-015)</li> <li>3. Addendum to the Phase 2 Ground Investigation Report (GIR) (Project No.: 10-015, October 2011) by Arc Environmental dated 4 Nov 2011 (ref: 10-015.01L)</li> </ol> <p>We concluded that the Phase I aspect of the submitted reports were satisfactory. However, we required further information in relation to the Phase II site investigation. Consequently, we recommended contaminated land conditions that applied to the intrusive investigation and subsequent phases of the development.</p> <p>No new contaminated land information has been submitted to allay our concerns and meet the shortfalls that we identified in our previous response dated 15<sup>th</sup> April 2021. For that reason, our previously recommended contaminated land conditions relating to a revised Phase II Investigation and the subsequent phases of contaminated land management (remediation through to validation) must remain.</p> <p><b>Protection of a Drinking Water Supply</b></p> <p>As indicated in our earlier response dated 15<sup>th</sup> April 2021, the proposed development is in a semi-rural location and near properties which rely on alternative sources of water for their drinking water supply. It is therefore important that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute a potential risk to human health. It remains that we recommend a condition to protect the drinking water supply.</p> <p><b>Electric vehicle charging points</b></p> <p>In our previous response dated 15<sup>th</sup> April 2021, we recommended a condition for electric vehicle charging points. Since then, a Planning Policy Supporting Statement by Robert Halstead Chartered Surveyors &amp; Town Planners, dated December 2021 (no reference) has now been submitted. The document confirms that electric charging points are provided for each of the plots. However, no additional information has been submitted. Whilst it is encouraging to see these proposals, there is no information submitted that confirms the</p>		

technical specification of the 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. Standard electric vehicle charging points need to be capable of providing a continuous 16A, Mode 3 charging supply via a Type 2 socket. A continuous 32A supply would be more likely to be future proof. Therefore, a condition for electric vehicle charging points should remain as per our original recommendations dated 15<sup>th</sup> April 2021.

### **Construction Noise**

Existing residential properties are near the development. As per original recommendations, dated 15<sup>th</sup> April 2021, a Construction Environmental Management Plan (CEMP) should be provided to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction noise and nuisance. To date, the submitted documents do not include a CEMP. Therefore, a condition for a CEMP is still necessary.

We have revised our recommendations for a construction environmental management plan to include a more prescriptive condition. This ensures the protection of local amenity and informs the applicant what we expect a robust construction environmental management plan to include.

### **Recommended Conditions**

Our recommendations remain largely unchanged from our previous response dated 15<sup>th</sup> April 2021. However, we have included a more prescriptive condition for a construction environmental management. Therefore, the following conditions supersede any previous recommendations from Environmental Health:

#### **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 by a suitably competent person 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 by a suitably competent person 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 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 (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 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

#### **Protection of a Drinking Water Supply**

Groundworks shall not commence until the applicant has clearly demonstrated that any nearby private water supply and/or collections grounds of private water supplies will not be adversely impacted by the proposed development.

#### **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:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

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
- 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 socket outlet 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.

#### **CEMPC Construction Environmental Management Plan - Condition**

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a) timetable of all works;
- b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- c) the parking of vehicles of site operatives and visitors;
- d) details and location of signage;
- e) loading and unloading of plant and materials;
- f) storage of plant and materials used in constructing the development;
- g) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- h) measures to control and monitor the emission of dust and dirt during construction;
- i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);

- k) artificial lighting used in connection with all construction related activities and security of the construction site;
- l) site manager and resident liaison officer contact details (including their remit and responsibilities); and
- m) details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

**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

**CEMPF Construction Environmental Management Plan - Footnote**

Noisy construction related activities should 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

Institute of Air Quality Management document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2014 provides detailed information regarding dust control.

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