

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/91871 - Land adj High Street and Challenge Way, Hanging Heaton, Batley		
Erection of residential development (55 dwellings) including access and associated infrastructure		
Responding Date: 16 June 2021	Responding Officers: Natalie Heaney – Contaminated Land Mohammed Nasim – Noise	Responding Ref: WK/202114974
<u>Contaminated Land</u> The following reports have been submitted in support of the application: • Phase 1: Desk Top Study & Coal Mining Risk Assessment Report by Arc Environmental dated 12th November 2020 (ref: 20-436). • Phase 2: Ground Investigation Report by Arc Environmental dated 30th October 2020 (ref: 20-436). • Hazardous Ground Gas Risk Assessment Addendum Report by Arc Environmental dated 15th January 2021 (ref: 20-436). A Verification plan by Geoshield undated (ref: GEO101764VISTRY) has also been received. It is apparent that the document makes reference to BS8485 in terms of membrane, design, testing and Verification. However, the protection against radon in buildings falls under the remit of Building Control not Environmental Health. Our records indicate the part of the site is located on potentially contaminated land (our site reference 45/6). Likewise, from the Phase 1 Report, it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. Notably, the Phase I report submitted is dated after the Phase II investigation report. This does not appear to be in line with Land Contamination Risk Management (LCRM) guidance which states that you must always start with a preliminary risk assessment. However, due to the concurrent submission of a Phase II report, we agree with the general principles of the Phase I provided. The Phase II report details the findings from the intrusive investigation. From the eight soil samples taken for laboratory analysis, two were found to contain elevated arsenic (39 mg/kg at TP01) and lead (237 mg/kg at WS04) respectively. From further statistical analysis provided, the report considered the upper confidence limit for lead and arsenic were below the C4SL residential with homegrown produce values and the values were classified as statistical outliers. As such, the report considered no remediation was required in relation to heavy metal and metalloid contamination. No elevated polycyclic aromatic hydrocarbons were detected. In the addendum, ground gas data is provided. Ground gas data was obtained from four boreholes in six visits between 21st September to 30th November 2020. The maximum concentration of carbon dioxide detected was 3.1% v/v and no methane was detected. The minimum concentration of oxygen detected was 12.6% v/v. Negligible flow rates of <0.1 l/h were reported. From this, the gas screening value calculated was 0.0031 l/h indicating a Characteristic Situation 1 (CS1) classification following CIRIA C665 guidance. Overall, the report concluded that a further 3 gas monitoring visits would be undertaken and reported in an		

addendum to the current report. The report also acknowledged that basic radon protection measures would be required.

The addendum provided reported a maximum concentration of carbon dioxide detected was 3.1% v/v and no methane was detected. The minimum concentration of oxygen detected was 12.6% v/v. Negligible flow rates of <0.1 l/h were reported. From this, a revised gas screening value of 0.0031 l/hr was calculated, still indicating the site falls into CS1 classification.

We note that depleted oxygen concentrations have been observed, with a minimum concentration of 12.6% v/v reported in WS04. However, this has not been elaborated on. Further information considering the depleted oxygen and the ground gas characterisation at the site is required.

It is also unclear from the provided reports whether there is any imported fill to be utilised on site. We would expect the type, number of samples, testing schedule and screening criteria for imported soils to be included in the provided documents.

For these reasons detailed above, it is necessary to apply contaminated land conditions from Phase II onwards.

Noise

The applicant has submitted a Noise Survey authored by FES Acoustics dated March 2021 Ref A001230. Their remit was to assess compliance with the requirements of BS8233:2014 in terms of internal, both daytime and night-time, and external amenity noise levels.

Monitoring was conducted from two measurement positions (MP); one covering the High Street (MP-A) and one covering Challenge Way with the Petrol station and the Working Men's Club (MP-B). Little consideration has been given to any road traffic noise along Challenge Way which may affect the amenity of any occupiers of the development along this road and towards the North Eastern corner of the site.

Table 3 on page 7 shows the measured noise levels at MP-A which are then averaged to determine the $L_{Aeq,8hr}$ and $L_{Aeq,16hr}$ periods which are shown in Table 4. MP-A would be over the requirements of BS8233 by between 3-8dB both daytime and night-time if windows were opened.

Similarly, Table 3 on page 10 shows the measured noise levels at MP-B which are then averaged to determine the $L_{Aeq,8hr}$ and $L_{Aeq,16hr}$ periods which are shown in Table 4. MP-B would be over the requirements of BS8233 by between 2-7dB daytime and 5-10dB night-time if windows were opened.

Based on the measured levels, recommendations are made on the construction and glazing to ensure the development meets with the requirements of BS8233. The exceedances predicted in the report will require attenuation, but standard attenuation trickle vents are recommended. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

The report is incomplete and further information will be required. It may be possible to predict the noise levels along Challenge Way and this will be required to ensure there is no loss of amenity to the occupiers along this road and towards the North Eastern corner of the site. A condition is recommended for specific information to any affected plots in order to protect the amenity of the occupiers of the development.

Electric Vehicle Charging Points

There is a proposal for 110 parking spaces on the development. 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.

Page 15 of the Design & Access Statement authored by Corstorphine + Wright Architects dated March 2021 Ref 20520-311-04. states '*Electric Vehicle Charging Points were advised as required, and EVCP's will be provided as part of the proposal*', but not detail or specification is provided. A condition requiring charging points is therefore necessary.

Construction

The construction phase will need to be controlled and a condition is recommended for a Construction Environmental Management Plan to ensure any emissions from the site are controlled and that there is no loss of amenity to the occupiers of the existing properties.

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 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

Noise mitigation measures - Condition

Before construction work commences, a further noise assessment report shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms, provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows.

- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB $L_{Aeq,16hour}$ and for these plots, provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB $L_{Aeq,16hour}$ to be achieved at these plots.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

NC7 Ventilation of habitable rooms if windows need to be kept closed - Condition

Before construction work commences, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The ventilation scheme shall provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation Scheme must demonstrate how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

NF7 - Footnote to accompany condition NC7

A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

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

Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxxx 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.