

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/93750 - adj, 360, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9EW
Erection of 9 dwellings
Date Responded:
4th February 2022

Responding Officer:
Natalie Heaney

Responding Ref:
WK/202134674

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land due to proximity to a former landfill. The following documents have been submitted in support of the application:

- A Coal Mining Risk Assessment Report by TA Associates dated 6th October 2016 (Ref: 2296)
- A Coal Mining Risk Assessment Report by TA Associates dated 7th December 2016 (Ref: 2296)
- A Phase 1 & Phase 2 Geo-Environmental Assessment by Solmek dated December 2020 (ref: S190445)
- Ground Gas Risk Assessment by Solmek dated 3rd February 2021 (ref: S2190445/GAS)

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 two Coal Mining Risk Assessments identify a possible risk from unrecorded shallow coal seams. (Ref: 2296). According to the Phase 1 aspect of the Phase 1 & Phase 2 Geo-Environmental Assessment (ref: S190445) there have been potentially contaminative uses on the site (and adjacent land) that could have an impact on development and/or the environment. This includes risk from the Middleton Little Coal seam subcrops beneath the site, according to the report. The document continues to detail a potential risk from ground gas and inorganic and organic soil contamination.

The report outlines fieldwork conducted in 2020. To confirm the ground conditions, six boreholes and three rotational boreholes were dug. Three samples were gathered and analysed for inorganic and organic contaminants. At three of the boreholes, ground gas monitoring wells were also installed. The investigation revealed made ground to depths of 3.9 metres below ground level across the site. Coal seams were identified intact. Elevated concentrations of lead (2no samples), arsenic (1no sample) and polycyclic aromatic hydrocarbons (all three samples) were confirmed. The report continues to recommend remediation measures for the contaminated soil.

The ground gas monitoring report (ref: S2190445/GAS) details the ground gas monitoring undertaken over 6 visits 29th Oct 2020 and 3rd Feb 2021. The atmospheric pressure during this time was between 973 and 1019 millibar. Methane was not detected in any of the boreholes during the monitoring. Carbon dioxide concentrations were recorded between 0.0% v/v and 5.7% v/v. The 5% Action Level on for carbon dioxide was only exceeded on one occasion. The minimum oxygen level reported was between 14.5% v/v. Negligible flow rates

were recorded (0.1 l/h). From this the report concludes that no ground gas protection measures are necessary.

Having read the report, we consider there to be insufficient evidence for no ground gas measures to be installed at the site. Elevated carbon dioxide above the 5% action level has been identified, fluctuating groundwater levels have not been considered in the report, nearby potential sources of ground gases on site have been identified (including a historic landfill c.65m away) and the proposals are for a sensitive end-use. Justification for the cessation of monitoring is also required as the period and frequency does not appear in line with CIRIA C665.

Overall, we accept the Phase I aspect of the Phase I & Phase 2 Geo-Environmental Assessment (ref: S190445). However, we do not accept the conclusions of the Phase 2 aspect of the report and the Ground Gas Risk Assessment by Solmek dated 3rd February 2021 (ref: S2190445/GAS). Nevertheless, we do not object to the principle of development at this site, subject to the necessary contaminated land conditions being applied.

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. In the submitted documents, no provisions have been made for electric vehicle charging points. As such, a condition requiring charging points is therefore necessary.

Construction Noise and Nuisance

The site is in proximity to existing residential properties and in a predominately residential setting. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps are taken to minimise and mitigate adverse effects from construction noise to protect nearby amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP) a condition to that effect is required.

Recommendations

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

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 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

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.