

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/94165 - Land adj, 7, West Lane, Gomersal, BD19 4DL		
Erection of four dwellings with ancillary garages and associated landscaping works (within a Conservation Area)		
Date Responded: 13th January 2022	Responding Officer: Natalie Heaney	Responding Ref: WK/202138497
Contaminated Land A report titled 'Proposed development at West Lane, Gomersal for Rhodes Homes' by Haigh Huddleston & Associated dated 22nd October 2021 (ref: E21/7885/MD/001) has been submitted in support of the application. The report begins by providing a site description. At the time of the site investigation, the site was an overgrown field bounded by trees to the north, west and south. An appraisal of the site history in the report suggest that the site has been an open field since 1854. Off site land uses include, West Lane colliery from 1894 to 1908, 10m west of the proposed site. The land immediately east of the site was shown as developed in 1854 and has been recently redeveloped for residential use. In terms of geology and coal mining, the site is underlain by Lepton Edge Rock Formation and is not located within a development high risk area. A mien entry is reported 50m southwest of the former West Lane Colliery. This is believed to have been disused by 1908. The report then details that four trial pits have been dug. Soil samples were taken from the natural strata on site and submitted for chemical and physical analysis. No elevated levels of contaminants were identified in either the topsoil or clay samples when compared to the assessment criteria for domestic use with plant uptake. In addition, no asbestos was recorded in the samples submitted for analysis from site. As such, the report concludes that no remediation is required and the topsoil on site should be stockpiled and fenced off prior to developing the site to prevent cross contamination. We do not accept the report as there is fundamental information missing from the report. We expect contaminated land reports to be undertaken in accordance with best practice guidance. <i>Land Contamination Risk Management</i> (LCRM) guidance recommends that for any land contamination risk assessment, you must first develop the initial conceptual site model to establish whether there are any potentially unacceptable risks. We note that there is no preliminary conceptual model provided in the submitted report. Whilst the findings in the report have revealed no significant soil borne contaminants, it remains unclear whether there are any potential contaminant linkages for mine gases at the site. This is fundamental given the sensitive proposed end-use and the proximity of an historic colliery to the site (c.10m). For these reasons, we reject the report and recommend full contaminated land conditions. We expect any future revised Phase 1 Contaminated Land Report to be developed in accordance with best practice guidance. If the preliminary risk assessment identifies a potential risk from ground gas, any subsequent Phase 2 Report will not be considered acceptable unless the whole of the gas monitoring has been completed in accordance with current guidance, a		

report detailing only part of the gas monitoring will not be acceptable. We would require the developer to demonstrate that any contamination at the site (including ground gas) has been remediated to a satisfactory standard before the new use commences.

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 Hours

The proposed development is in a residential setting. Restricting the hours of construction is appropriate to minimise adverse impacts on occupiers of nearby properties. For that reason, conditions relating to construction times are required.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 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

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.

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.