

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/94208 - Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET		
Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8)		
Date Responded: 2nd March 2022	Responding Officer: Mohammed Nasim - Noise Rebecca Muff – Air Quality Natalie Heaney	Responding Ref: WK/202140489
The application seeks outline permission for the Phase 2 redevelopment at the southern extent of the former North Bierley Water treatment works site. The proposed development is for a combination of light/ general industrial uses, storage and warehousing on a site located immediately adjacent to Junction 26 of the M62 (the “Chain Bar” junction). Having reviewed the submitted information, we make the following comments. Noise The applicant has submitted a Noise Assessment authored by Wardell Armstrong dated October 2021 Ref LD10272. The potential impacts that have been addressed as part of the assessment are – • The effects of noise and vibration from the construction of the proposed development on existing Noise Sensitive Receptors (NSRs) • The impact of changes in noise at existing NSRs during the operational phase of the proposed development • The impact of existing sources of noise affecting any proposed NSRs (e.g. Offices) A background noise survey was conducted on the 12th of May 2021 at two monitoring locations (ML) which represent the nearest noise sensitive receptors (NSRs) to the development site. These are shown in table 1 and a summary of the measured noise levels are shown in table 3. As expected, the dominant noise source was road traffic noise both during the daytime and night-time. Section 4 looks at the noise from the construction phase and at para 4.1.4 states that detailed information regarding the nature and timescales of activities likely to take place during the earthworks and construction phase are not known. As there are a number of unknown factors, the report recommends mitigation measures be put in place that will reduce the scale of the potential effect of the construction noise. Similar to the noise aspect, there are a number of unknown factors but based upon typical construction methods and the distance to NSRs, vibration from the construction phase is deemed to be low to negligible Section 5 looks at the proposed industrial noise which is likely to include the following activities – • Movement of HGVs • Loading/Unloading of HGVs using a FLT possibly fitted with a reversing alarm • Fixed plant		

- Movement of employee vehicles
- Talking/shouting by employees/visitors/patrons
- Noise break out from the proposed industrial premises

Again, details are limited on the noise and the hours of use (although this is likely to be 24hrs a day) and so reasonable assumptions have been made. Para 5.1.14 states that noise from the activities at the proposed development should be designed to avoid causing an adverse impact upon NSRs and the proposed commercial activities should not exceed the background sound level during the day or night-time periods.

Based upon submitted traffic data, noise modelling has been used to predict the effects of development related road traffic and to assess any potential changes in road traffic noise to NSRs as a result of the proposed development. The results are detailed in table 7 and show that the noise impact due to changes in road traffic is negligible.

Mitigation in the form of glazing and ventilation is proposed to the office space but the exact specification will be dependent on the proposed use and this again, is uncertain.

Discussion

The assessment highlights the limitations of certainties at this point and whilst some reasonable assumptions have been made, it will require further details. A condition is recommended for a further noise impact assessment once details on the particulars are known. A condition is recommended to ensure the mechanical plant to be installed is as per the recommendations of the report.

Air Quality

An Environmental Statement Update Volume 1: Main Report - North Bierley Phase 2 (dated October 2021) has been submitted by Sheppard Planning in support of the application. The proposed development is for a combination of light/ general industrial uses, storage and warehousing on a site located immediately adjacent to Junction 26 of the M62 (the "Chain Bar" junction).

Chapter 6 of the Environmental Statement (ES) titled Air Quality Effects provides a synopsis of the Air Quality Assessment which is provided in Appendix 5.

Appendix 5 of the ES refers to the Air Quality Assessment (ref: LD10272) (dated October 2021) by Wardell Armstrong. The assessment details the impact the development will have on existing air quality, and how this will impact existing sensitive receptors by considering dust emissions during the construction phase, and air pollution from the additional traffic travelling to and from the development during the operational phase. The pollutants modelled were nitrogen dioxides (NO₂) and particulate matter (PM₁₀) and (PM_{2.5}).

The report states that in accordance with The West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance the development is classed as a "Medium" size development, in terms of air quality, as it is not within an AQMA and does not meet the triggers to classify it as a Major development.

For the operational phase detailed dispersion modelling was undertaken to determine changes in pollutant concentrations due to traffic emissions caused by the development at 13

existing sensitive receptor locations including the nearby school. The assessment was undertaken in accordance with Defra guidance using ADMS-Roads, the latest Defra vehicle emission factors (EFT v10.1) and monitored data taken from Kirklees Councils 2020 Annual Status Report (ASR). Traffic flow data was provided by Fore Consulting the Transport Consultants for the project and includes the cumulative impact of other committed developments in the area. Using this information, the model predicted concentrations based on three scenarios as follows:

- Scenario 1 - a baseline year of 2019
- Scenario 2- an opening year of 2031 (without the development)
- Scenario 3- opening year of 2031(with the development)

The report concludes that for the operational phase the predicted annual NO₂, PM₁₀ and PM_{2.5} concentrations will be below the current national air quality objectives for both the “*without development*” and “*with development*” scenarios and at all modelled sensitive receptor locations in 2031.

The report recommends that to further assist in reducing any potential impacts that best practice measures in relation to air quality could be implemented.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management Guidance on the Assessment of Dust Demolition and Construction v 1.1 June 2016. This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 500m of the site entrance. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concluded that there is the potential for air quality impacts as a result of fugitive dust emissions from the site, from earthworks, construction and trackout, but that these impacts could be controlled by the implementation of good practice dust control mitigation. Site specific mitigation measures relating to dust are outlined in section 5.1.15 (page 17) of the report.

Comment

Having assessed the report, we agree with the overall methodology and approach. We concur with the conclusions of the report that for the operational phase of the development concentrations of NO₂, PM₁₀ and PM_{2.5} will not be exceeded at any of the modelled receptor locations. For the construction phase of the development, we expect the best practice mitigation measures as detailed in the report to be implemented. Therefore, a condition will be necessary to control fugitive dust emissions during the construction phase of the development.

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land due to its former use (site reference: 40/1). The application also seeks outline permission for a major development. In support of the application, the following documents have been submitted:

- Coal Mining Risk Assessment dated 16th June 2021 (ref: JC/LD10258/LET-003)
- Phase 1 Geoenvironmental Desk Study by Wardell Armstrong dated June 2021 (ref:

LD10258 – V1.0)

- Environmental Statement Update – North Bierley Phase 2, by Sheppard Planning, dated October 2021
- Environmental Statement Update Volume 2: Original Environmental Statement (Appendix 1) by Sheppard Planning, dated October 2021

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 Phase I report provides an appraisal of the site history and previous surrounding land uses, since the 1800s and a comprehensive assessment of the environmental setting. From this, it is evident that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. These include, but are not limited to, the former waste water treatment works, filter beds, tanks and potentially shallow coal mine workings. The report acknowledges that despite previous intrusive investigations undertaken at the site, these have been limited. Several potential pollutant linkages have been identified and the report concludes that a new intrusive investigation is necessary within areas not investigated during the previous site investigations, including the area beneath the former filter beds in the north of the site and the area of the former coal pit in the centre of the site. Wardell Armstrong recommend that this includes ground gas monitoring, soil and groundwater sampling and analysis.

The Coal Mining Risk report (ref: JC/LD10258/LET-003) echoes the comments made in the Phase 1 report and suggests that intrusive site investigations should be conducted to establish the presence of any coal mining legacy features at the site, for example any shallow mine workings and mine entrances at the site. Ground gas monitoring is also recommended.

The Environmental Statement Update and Environmental Statement Update Volume 2 summarises the past work at the site and identifies that remediation work will be necessary.

Overall, we accept the Phase 1 Geoenvironmental Desk Study by Wardell Armstrong dated June 2021 (ref: LD10258 – V1.0) and the Coal Mining Risk Assessment dated 16th June 2021 (ref: JC/LD10258/LET-003). We consider the intention for further investigation unclear in the Environmental Statements as there appears to be no consideration for the Wardell Armstrong report. Nevertheless, contaminated land is unlikely to limit development of the site subject to the application of necessary contaminated land conditions. These must apply to a Phase 2 investigation and report and if necessary, a remediation strategy, implementing the remediation and the validation of any remedial works undertaken.

Construction Nuisance

The site is surrounded by a mix of commercial, industrial and residential premises. Due to the proximity of these properties to the site boundary, all reasonable steps must be taken to minimise and mitigate adverse effects from construction noise to safeguard nearby amenity. Therefore, a condition relating to a Construction Environmental Management Plan (CEMP) is necessary.

Electric Vehicle Charging Points (EVCP)

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. A condition requiring charging points is therefore necessary.

Artificial Lighting

It is unclear at this stage whether artificial lighting will be required at the development. We consider it likely that this is the case. Conditions relating to an artificial lighting scheme are therefore necessary.

Recommended Conditions

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences, a Noise Impact Assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include -

- a) an assessment of all of the noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NC10 - Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Dust1 Implement agreed Dust Mitigation Scheme – Condition

Upon commencement of the development, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Appendix 5 section 5.1.15 (page 17 -18) of

the Air Quality Assessment (ref: LD10272) (dated October 2021) by Wardell Armstrong of the Environment Statement Update Volume 1: Main Report - North Bierley Phase 2 (dated October 2021) and retained for the duration of the demolition and construction period.

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

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 a Phase 1 Geoenvironmental Desk Study by Wardell Armstrong dated June 2021 (ref: LD10258 – V1.0 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

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.

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:

- 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
- 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.

- 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.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information -

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and xxxxx of the Local Plan

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the “Guidance Notes for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E2.