

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2021/94411 - adj, 1, Commercial Street, Slaithwaite, Huddersfield, HD7 5JZ		
Erection of detached dwelling (within a Conservation Area)		
Date Responded: 10 th August 2022	Responding Officer: Natalie Heaney	Responding Ref: WK/202140714
Since our most recent response, we have received additional information in relation to contaminated land. Please note our recommendations for contaminated land conditions have changed since our last response. Contaminated Land We have previously commented on a Phase 1 & 2 Report by T J Booth Associates dated 19th October 2021 (no reference). The report concluded that remediation was necessary. Therefore, we recommended conditions in relation to a remediation strategy, the remediation of the site and validation of any works undertaken. Since then, we have received a revised report by TJ Booth Associates dated June 2022, which now includes Phase 3 information. 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 report recommends that the existing made ground should be ‘excavated and removed to 600mm from finish level, and replaced with imported soil to suit finishes.’ The report adds that any imported soils will be sampled as per ‘as per YALPAG Guidelines’ and then details the sampling frequencies and criteria to determine the suitability of materials. Samples will then be compared against a residential for end-use screening criteria. Further verification details are provided in Section 3.6. We would expect the suitability and validation of any imported material to be demonstrated in accordance with the Verification Requirements For Cover Systems guidance by the Yorkshire and Lincolnshire Pollution Advisory Group, Version 4.1, dated June 2021. Although this is touched on in the report by T J Booth Associates, there are aspects where the verification process is unclear. Furthermore, there is no information to detail the contingency measures for unexpected contamination. The applicant must note our recommended conditions for unexpected contamination. Notwithstanding this, the revised report by TJ Booth Associates, dated June 2022 satisfies the requirements of contaminated land conditions CLC1, CLC2 and CLC3. Therefore, our previously recommended conditions have changed. We now expect remediation to be implemented in accordance with the agreed remediation strategy. A validation report will then be required. Our revised recommendations are detailed herein. <u>Recommended Conditions</u> CLC4 Implementation of the Remediation Strategy - Condition Remediation of the site shall be carried out and completed in accordance with the revised report by TJ Booth Associates, dated June 2022. In the event that remediation is unable to		

proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the revised report by TJ Booth Associates dated June 2022, 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

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works 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

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.

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.