

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2022/91299 - land adj, 298, Whitechapel Road, Scholes, Cleckheaton, BD19 6HW
Residential development of nine dwellings
Date Responded:
9th May 2022
Responding Officer:
Natalie Heaney
Responding Ref:
WK/202213294
Contaminated Land

In support of the application, a Geo-environmental Ground Investigation Report by Haigh Huddleston & Associates, dated April 2022 (ref: E21/7893/R001) has been submitted. The report is a combined Phase I and Phase 2 report. The report includes geotechnical 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 aspect of the report provides an appraisal of the site history and previous surrounding land uses, since the 1800s and an assessment of the environmental setting. Notably, Chainbarrows Farm has been on the site since 1892 and Chainbarrows Colliery was located southwest of the site from 1905 however this was inactive by 1933 and no longer shown from 1976. Aside from the historical colliery, the report details that no significant developments in the vicinity considered are likely to have an adverse effect on the site. Potential pollutant linkages have then been identified in Section 6 of the report.

An intrusive investigation was carried out on the 15th of February 2022. Nine trial pits were dug and four ground gas monitoring wells (WS02, WS03, WS04 and WS05) were installed. A total of seven samples were then sent for chemical analysis at an accredited laboratory. The soil chemical analysis revealed one elevated level of lead (250 mg/kg) at TP01 in the western field. Notably, TP01 was topsoil containing bricks and glass. No other inorganic or organic determinants exceeded the residential with homegrown produce assessment criteria. However, in light of the result at TP01, the report considers that fill from TP01 and ‘*any similar*’ in the western field is treated as a hotspot and removed from the site. It is then proposed the remaining topsoil should be scraped and stockpiled. The report then advises further sampling will be required to confirm the suitability of the site soils for use in residential gardens.

Ground gas monitoring has been undertaken to date on four occasions. All four visits to date have been undertaken during falling air pressure at atmospheric pressures between 973 mB and 1014 mB. A maximum carbon dioxide concentration of 2.3% v/v has been recorded in WS05 and no methane has been recorded on site. No flow rates have been detected on site. A gas screening value reflective of Characteristic Situation 1 is currently assigned to the site given the monitoring data however Section 8.3.5 of the report reads that the ‘*gas monitoring is ongoing and a final report confirming any gas protection measures required will be prepared when the monitoring is completed*’.

We accept the Phase 1 aspect of the Geo-environmental Ground Investigation Report by Haigh Huddleston & Associates, dated April 2022 (ref: E21/7893/R001) but do not accept the Phase 2 aspect. Firstly, no ground gas data has been submitted to confirm the conclusions to date. Secondly, as the ground gas assessment is incomplete, we do not consider the site

characterisation complete. Finally, there is a reference made to the eastern and western field but no map and discussion have been supplied that clearly distinguishes the two.

Nevertheless, the investigation so far has demonstrated that contaminated land is unlikely to limit the use of the site, and remedial works could make the site suitable for the intended end-use. Therefore, we consider redevelopment of the site to be possible subject to the following contaminated land conditions.

Noise

The proposed development is close to the M62. No noise assessment report has been submitted with the application. There are concerns that future occupiers at the development may be negatively impacted by noise from road traffic whilst at the property. The applicant must demonstrate that acceptable sound levels can be achieved in indoor and outdoor amenity areas, therefore, noise conditions are necessary.

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.

A condition requiring charging points is therefore necessary.

Construction Noise and Nuisance

The site is adjacent to existing residential amenity. There may be unacceptable construction nuisance if the site is incorrectly managed. All reasonable steps must be 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.

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 the Geo-environmental Ground Investigation Report by Haigh Huddleston & Associates, dated April 2022 (ref: E21/7893/R001) 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

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.

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 at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- 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.

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.