

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90157 - Land at the site of former Clough Mill, Clough Road, Slaithwaite, Huddersfield		
Erection of residential development comprising 23 dwellings with associated car parking and formation of new access		
Responding Date: 7th March 2023	Responding Officer: SR&NH	Responding Ref: WK/202303004
<p>We have reviewed application 2023/90157 and make the following comments and recommendations.</p> <p>Contaminated Land</p> <p>This is a major planning application that proposes a sensitive end-use at the site. Our records indicate that the proposed development site includes land identified as potentially contaminated land use due to its historical land use/s (site reference: 16/14 and 17/14). Therefore, contaminated land conditions are necessary.</p> <p>The following documents have been submitted in support of the application:</p> <ul style="list-style-type: none"> • Phase 1: Desk Study Report by Arc Environmental dated August 2022 (ref: 22-690) • Phase 2 Ground Investigation Report Arc Environmental dated 28th September 2022 (ref: 22-690) <p>The documents include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the documents.</p> <p>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 the development and/or the environment. These include, but are not limited to, a silk mill, woollen mill, an infilled mill pond and a tank, resulting in made ground, possible on-site and off-site sources of hazardous ground gases and possible localised contamination as being identified as potential sources of contamination. The report considers a low to moderate ground contamination risk setting for human health and continues to recommend a Phase 2 intrusive investigation.</p> <p>The Phase 2 report provided details from the findings from the site investigation undertaken in 2022. Generally, made ground was encountered up to 2.40m below ground level across the site underlain by sandy silty clay. In TP04, in the area of the former tank, in-situ relic concrete and brick walls/structures were encountered within the trial pits. In the area of WS08 and TP09, a concrete base at c.2.00m was encountered with the in-situ brick wall of the former mill pond also encountered in the eastern end of TP09.</p> <p>The report notes no evidence of significant or gross contamination with any boreholes across the site during the investigation. Soil samples were retrieved for chemical analysis and confirmed the presence of elevated lead, benzo(a)anthracene, benzo(a)pyrene,</p>		

benzo(b)fluoranthene, dibenz(a,h) anthracene, and naphthalene when screened against a residential with homegrown produce assessment criteria.

In three boreholes (WS03, WS06 and WS08) combined ground gas and groundwater monitoring wells were installed and these were monitored on 1 visit when atmospheric pressure was falling (996 mB). The peak carbon dioxide was 1.8% v/v and no methane was reported. The minimum oxygen concentration reported was 14.7% and the flow rate was <0.1lh flow. The report acknowledges that a further five monitoring visits are necessary and advises that these will be provided in an addendum report.

The report acknowledges that remediation will be necessary at the site and that additional ground gas and groundwater monitoring will be necessary.

We accept the report provided and agree that remediation will be necessary at this site, however, we consider the site characterisation incomplete. The following contaminated land planning conditions should be applied to any consent granted to secure a supplementary phase 2 report that includes further ground gas and groundwater monitoring and a revised/completed conceptual site model. Conditions are also necessary to secure a remediation strategy, remediation and a validation report.

Electric Vehicle Charging Points (EVCP'S)

In support of the application the applicant has submitted a plan titled Clough Mills, Slaithwaite, drawing title Site Layout Plan, dated Nov 2022, drawing Number 1410-P-001. The plan shows 23 properties with 23 designated EV Charging points (we note that plot 16 has a remote EV charging point on the plan and advise this point to be moved to the parking space allocated in front of the property). We accept the information provided and recommend a condition.

Construction Environmental Management Plan (CEMP)

In support of the application a Construction Environmental Management Plan (CEMP), dated 21/12/22, contract number-023. Our comments relate to those within the remit of Environmental Health, these are, working hours, noise and vibration from construction activities, dust from construction activities and construction related artificial lighting. There are other aspects of the statement that are outside the remit of Environmental Health and may be subject to comments from other consultees.

The plan clarifies the working hours at the proposed site stating that construction related activities will be limited to the following times:- 07.30 to 18.30 hours Monday to Friday, 08.00 to 13.00 hours Saturdays, with no noisy activities on Sundays or Public Holidays. This is in line with our standard recommendations.

The Site manager has been identified in the plan as the responsible person and will be identified in letters to nearby residents prior to construction commencing with update letters being distributed during construction. We would additionally expect contact details to be made available on site hoardings.

Section 4.4 details controls in relation to fugitive dust and noise it clarifies that no crushing or screening will take place on site and refers to best practicable means being adopted and lists a few general control points although these are not site specific.

A Construction Phase Plan is referred to throughout the document but is not appended therefore details such as the programme/duration of construction and wheel wash facilities

are not detailed.

Section 3.6 suggests the nearest sensitive receptors are 50m away from the site, this is not the case, with residents on Crowther close and Clough Terrace being very close to the boundaries.

No details have been given as to the type of on-site assessments that will be undertaken to monitor noise and fugitive dust from site, including record keeping and no details of how complaints are to be processed with have been provided.

Although dark corridors and avoidance of light spill are mentioned in the plan, this is to protect wildlife. The CEMP should detail site specific controls to be adopted to protect local residents from light spill and glare from any temporary artificial construction related lighting including controls on security lighting to site compounds/offices.

Summary

Whilst we largely accept the information contained within the construction management plan, we require additional site specific information and clarification as detailed above to be included any future CEMP for the proposed development. For the reasons listed above we recommend a condition to provide a site specific CEMP.

Artificial Lighting

An Environmental Lighting Impact Assessment Report by SHD Lighting Consultancy dated 13th February 2022 (ref: SHD836-SHD-HLG-CLOU-RP-EO-Lighting Assessment Report-R0) has been received in support of the application. The report relates to street lighting luminaires proposed installation at the site. We acknowledge the document; however, this falls outside the remit of Environmental Health. We have no further comments or recommendations to make in relation to artificial lighting.

Recommended Conditions

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

Groundworks (other than those required for a site investigation report) shall not commence until a Supplementary 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. 183 and 184 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. 183 and 184 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 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. 183 and 184 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification 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. 183 and 184 of the National Planning Policy Framework

CLC7 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 2021. 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.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

EVC2 Installation of Agreed Electric Vehicle Charging Points – Condition

Before the development is brought into use the dedicated facilities that will be provided for charging electric vehicles shall be installed and made operational in accordance with those detailed on the plan titled Clough Mills, Slaithwaite, drawing title Site Layout Plan, dated Nov 2022, drawing Number 1410-P-001. Once installed the charging points shall be retained for use 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

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 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.

