

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2023/90171 - Land at Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW**

**Demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type)**

**Responding Date:**  
**25<sup>th</sup> April 2023**

**Responding Officer:**  
**NH**

**Responding Ref:**  
**WK/202307223**

### **Contaminated Land**

Further to our comments dated 3<sup>rd</sup> April 2023, additional documents have been received in support of the application:

- A letter titled 'Ref: Westfield Farm, Barnsley Road, Flockton, WF4 4DW' by Rogers Geotechnical Services dated 30<sup>th</sup> March 2023 (ref: C1913/23/E/5097)
- Remediation Strategy Report by Rogers Geotechnical Services Ltd dated March 2023 (Ref: C1913/23/E/5135)

The letter details the ground gas monitoring completed as part of the intrusive investigation reported in the Phase 2 report (ref: C1913/21/E/2940). Monitoring visits were made to the site between the 14<sup>th</sup> February and the 28<sup>th</sup> March 2023. The visits were undertaken when atmospheric pressures were between 981mb and 1019mb and encompassed rising falling and steady pressure trends. From three monitoring locations (BH1, BH2 and BH3), the peak methane and carbon dioxide concentration was 0.1% v/v and 0.9% v/v, respectively, and the minimum oxygen concentration reported was 21.1% v/v. No flow was reported so a minimum flow rate of 0.1 l/h was used to calculate the gas screening value (GSV). A GSV of 0.0001 l/hr for methane and a GSV of 0.0009 l/hr for carbon dioxide was calculated. Therefore, the report concluded that the site may be characterised as Characteristic Situation Level 1 i.e. no special precautionary measures are necessary in terms of ground gas protection. The report considers the site to now be fully characterised.

In the Remediation Strategy Report, a clean cover system with a 500mm layer of inert material (including 150mm topsoil) over a 100mm granular capillary break layer is suggested. The report adds that any fill materials used at the site be screened to ensure that they are appropriate for the intended end use and the screening of materials will follow the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) (2021) Verification Requirements for Cover Systems guidance. Additionally, verification proposals are given.

We accept all the contaminated land reports provided. Our previously recommended condition to secure a Phase 2 report is no longer necessary. It remains that we recommend conditions to secure remediation of the site in accordance with the approved remediation strategy and a verification report. These are necessary to ensure safe occupation of the site and should be applied to any permission granted alongside the contaminated land footnote.

### **Recommended Conditions**

#### **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 Reports 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.

#### **NC1 Implement Agreed Noise Mitigation Measures – Condition**

Before the development is first brought into use, all works which form part of the sound

attenuation scheme as specified in the Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022:

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24

#### **BC1 Acoustic Barrier – Condition**

Before the development is brought into use, details of an acoustic barrier (as recommended in the Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained and maintained thereafter.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### **EVC1 Electric Vehicle Charging Points - Condition**

Before first occupation, a scheme detailing the dedicated facilities that will be provided at [each dwelling house/premise] 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 the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. Before the individual [dwelling house/premise] are occupied the EVCPs should be installed in that [dwelling house/premise].

**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, Chapters 2, 9 and 15 of the National Planning Policy

Framework and the West Yorkshire Low Emission Strategy (WYLES).

**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.

**CSC1 Construction Site Working Times - Condition**

No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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 LP52 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.