

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2022/90509 - North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ**
**Erection of 2 storey, 5 classroom teaching block including toilet facilities and staff / store rooms**
**Date Responded:**  
**30<sup>th</sup> March 2023**
**Responding Officer:**  
**NH**
**Responding Ref:**  
**WK/202307480**
**Air Quality**

The application is for a 2-storey, 5-classroom teaching block and facilities for 150 new students. The number of new students may result in a significant increase in additional two-way car movements to and from the site each school day.

**Before the application is determined**, we require an air quality screening assessment to be undertaken to determine if a more detailed air quality impact assessment using dispersion modelling is required. We would expect the air quality screening assessment to be undertaken in accordance with Table 6.2 of the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) – Planning for Air Quality Guidance 2017. It may be that a more detailed Air Quality Impact Assessment is required at a later stage based on the outcome of the screening assessment.

Until then, we are unable to provide any additional air quality comments or recommend any conditions at this time.

**Contaminated Land**

The following documents have been submitted in support of the application:

- Phase 1 Environmental Desk Study by Rogers Geotechnical Ltd dated June 2022 (ref: C1349/22/EE/3839)
- Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C1349/22/E/3843)
- Gas Monitoring Report by Rogers Geotechnical Services dated September 2022 (ref: C1349/21/E/GM)

The reports confirm that soils at the site are generally uncontaminated with respect to the proposed end use. It is specified that site-won or imported material will be screened in accordance with the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance. In terms of ground gases, the site has been assigned as a CS2 site, i.e. it is considered that gas protection measures are necessary (CS2 for a Type B development). The report advises that the finalised designs for ground gas protection measures will be provided on technical drawings and included in a Phase 3 Remediation Statement report.

We accept the Phase 1 Environmental Desk Study by Rogers Geotechnical Ltd dated June 2022 (ref: C1349/22/EE/3839), Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C1349/22/E/3843) and Gas Monitoring Report by Rogers Geotechnical Services dated September 2022 (ref: C1349/21/E/GM). Therefore, we consider the following contaminated land conditions and footnote necessary and these should be applied to any permission granted.

**Noise**

There is limited information in the supporting information to confirm the presence of any fixed plant and equipment associated with the new building. In the absence of this information and given the proximity to nearby noise-sensitive receptors, a condition is necessary to secure a noise impact assessment.

**Construction Environmental Management Plan**

The site is adjacent to existing residential property. All reasonable steps must be taken to minimise and mitigate adverse effects from construction-related activities that may lead to a loss of amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP), a condition to secure one is required.

**Recommendations**

We are currently unable to recommend all the necessary conditions. We require further clarification on air quality matters that we have raised as a concern in the above commentary. Our recommended conditions to date are detailed herein. We recommend that Environmental Health are re-consulted before the application is determined.

**CLC3 Submission of Remediation Strategy - Condition**

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 in the Phase 1 Environmental Desk Study by Rogers Geotechnical Ltd dated June 2022 (ref: C1349/22/EE/3839), Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C1349/22/E/3843) or Gas Monitoring Report by Rogers Geotechnical Services dated September 2022 (ref: C1349/21/E/GM) 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.

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

Before **construction work commences** a noise 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 **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 measures shall be thereafter retained.

**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.

#### **NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise->

[consultants.co.uk/](http://www.consultants.co.uk/) (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

### **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.