Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90668 - Grange Moor Coachworks, Barnsley Road, Grange Moor, Huddersfield, WF4 4DR		
Demolition of existing buildings. Erection and operation of a single building comprising a Sui Generis land use limited to the purpose of storage, assembly, sale and distribution of custom-built computers, laptops and their components as well as any associated development (those being a replacement wind turbine, utility provision, drainage, access, hard and soft landscaping) within the red-line boundary alongside business operations pursuant to the effective administration of the Sui Generis use.		
Date Responded: **14th May 2024**	**Responding Officer:** **NH**	**Responding Ref:** **WK/202412147**

Contaminated Land

We have now received a Report on a Ground Gas Risk Assessment authored by RGS, dated April 2024 (ref: C3224/24/E/6470) in support of the application. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspect of the report.

The risk assessment reconsiders the previous classification of Characteristic Situation Level 3 for the site as conservative. Instead, it calculates gas screening values for each individual borehole, which leads to the conclusion that Characteristic Situation Level 2 is a more accurate classification for the site.

Furthermore, the report examines groundwater levels, flow rates, and atmospheric pressure levels. While it suggests a possible correlation between lower atmospheric pressures and higher flow rates, it finds no correlation between high flow rates and elevated gas readings. Additionally, according to RGS, groundwater levels also do not appear to impact gas readings. Consequently, RGS consider it unlikely that changes in groundwater levels or atmospheric pressure will alter the risk rating for the site.

In conclusion, the report suggests that the observed ground gas levels are likely attributable to off-site or deep mine workings, indicating that the on-site landfill is not likely a significant source of ground gas. RGS maintain that the CS3 classification represents a 'worst-case' scenario regarding the risks of ground gas migration to the proposed development, and they propose that gas remediation measures will be adequate to mitigate this risk and prevent the accumulation of harmful ground gases.

Comments

We accept the report provided. It remains that there were the limitations to the intrusive investigation conducted so far due to on-site obstructions. Given the nature of the stored machinery/plant, we believe there is an increased likelihood of contamination, including potential risks from vapours. For these reasons, it is considered necessary to secure a post-demolition and post-clearance intrusive investigation and a supplementary Phase 2 report. Additionally, conditions for securing a remediation strategy, implementing remediation measures, and submitting a validation report are also deemed necessary for this application.

Recommended Conditions

NB: These conditions supersede other Environmental Health recommendations.

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Prior to the commencement of development (excluding clearance and demolition, but including groundworks, other than those required to inform a site investigation report) a Phase II Intrusive Site Investigation Report addendum 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. 189 and 190 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition
Where site remediation is recommended in the approved Phase II Intrusive Site Investigation Report/s 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. 189 and 190 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 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. 189 and 190 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 (that part of) 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. 189 and 190 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. 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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.

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.

BC1 Acoustic Barrier - Condition

Before the development is brought into use, details of an acoustic barrier r (as recommended in the Noise Impact Assessment authored by SRL dated 10 July 2023 Ref 81009-SRL-RPYA-01- P2) 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 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.

HUC3 Hours of Use including Deliveries and Dispatches – Condition

The use hereby permitted shall not be outside the hours of:

- 0800hrs to 2200hrs Monday to Friday, and
- 0900hrs to 1700hrs Saturday

and there shall be no deliveries to, or dispatches from the premises outside the hours of:

- 0800hrs to 1800hrs Monday to Saturday.

No deliveries shall take place on Sundays or Bank Holidays.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

NC12 Noise Management Plan – Condition
Before the premises is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from any deliveries/dispatches and the actions that will be taken to observe the required control measures. The approved Noise Management Plan shall be implemented before use commences, reviewed periodically and retained thereafter.
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

CEMPC Construction Environmental Management Plan - Condition
Prior to demolition of the existing buildings, 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 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
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 Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *"Guidance on the assessment of dust from demolition and construction"* Version 2.2 2024.

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.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting
b) The location of all the luminaires
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).