

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/91195 - Land adj, 80, Greenhill Bank Road, New Mill, Holmfirth, HD9 1ER
Erection of two semi-detached dwellings with integral garaging and associated external works
Date Responded:
28th September 2023
Responding Officer:
NH
Responding Ref:
WK/202330126
Contaminated Land

Further to our comments dated 18th August 2023, we have received a letter titled 'Ref: Greenhill Bank Road, New Mill,' authored by Rogers Geotechnical Services Ltd, dated 20th September 2023 (ref: C3582/23/E/5443). The report includes geo-technical information, which is outside the remit of Environmental Health. This consultation response relates to the contamination land aspects of the reports only.

The letter discusses the findings from three additional ground gas monitoring visits. Between July 7th and 20th September, a total of six ground gas readings were conducted under steady and falling barometric pressure ranging from 970 mb to 1000 mb. Methane and carbon dioxide levels peaked at 0.1% v/v and 1.4% v/v, respectively, while the minimum oxygen level reported was 19.7% v/v. No flow rate or groundwater were detected. A flow rate of 0.1 l/h was used to calculate the gas screening value for methane and carbon dioxide, recorded, resulting in a GSV of 0.0001 l/hr for methane and a GSV of 0.0014 l/hr for carbon dioxide. The report considers the site to be provisionally classified as Characteristic Situation Level 1.

Having read the report, we confirm that we accept the Phase 1 Desk Study, (dated June 2023 ref: C3582/23/E/5481), Report on a Phase 2 Geo-environmental Investigation (dated July 2023 ref: C3582/23/E/5443) and letter titled 'Ref: Greenhill Bank Road, New Mill,' (dated 20th September 2023 ref: C3582/23/E/5443) all authored by Rogers Geotechnical Services Ltd.

On 28th September 2023 we contacted Rogers Geotechnical Services Ltd to confirm the intention to import materials to site, who have now confirmed that the client does not intend to import any soils on to site. Based on this information and the accepted reports, our recommendations have been revised as follows.

Recommended Conditions
CLC6 Reporting of Unexpected Contamination - Condition

In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.

EVC1 Electric Vehicle Charging Points - Condition

Before first occupation of the apartments, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for each dedicated parking space at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and 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, 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.