Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91345 Dewsbury and District Hospital, Halifax Road, Dewsbury, WF13 4HS		
Erection of single storey building with roof top plant area to provide outpatient theatres, treatment rooms and consultant rooms with link to Boothroyd building, including demolition and remodelling of existing ramp and associated landscaping and drainage		
Date Responded: 15th June 2023	**Responding Officer:** RM, MN, SR, NH	**Responding Ref:** WK/202315957

We have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

An Air Quality Assessment (ref:6468r1) (dated: 24th February 2023) by Redmore Environmental has been submitted in support of the application. The report details the impact that the development will have on existing air quality, due to fugitive dust emissions during construction and road traffic emissions associated with vehicle movements to and from the site during operation.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) document "Guidance on the Assessment of Dust Demolition and Construction 2016". This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 350m of the site boundary. From this the significance of dust effects arising from the construction phase was determined. The report concludes that the residual impacts from all dust generating activities is predicted to be not significant in accordance with the IAQM guidance. The report provides dust mitigation measures based on the IAQM guidance, which have been adapted for the development and these are summarised in Table 17 pages 26 & 27 of the report.

Operational Phase

A screening assessment was undertaken in accordance with the IAQM Guidance - Land-Use Planning & Development Control: Planning for Air Quality, 2017. This was to determine the impact of the development on local air quality due to vehicle movements. The screening assessment used monitored data provided by Kirklees Council, Defra background pollutant concentrations and traffic information provided by Scott White and Hookins, the Transport Consultants for the project. The report concludes that pollutant concentrations are predicted to be below the relevant Air Quality Objective (AQO) due to the low number of anticipated vehicle trips associated with the proposed development.

Comment

We agree with the approach and methodology of the Air Quality Assessment (ref:6468r1) (dated: 24th February 2023) by Redmore Environmental. We also agree with the conclusion of the report.

Contaminated Land

Our records indicate that the proposed development site is on an area identified as potentially

contaminated land use due to its historical land use/s including Staincliffe Colliery (site reference: 311/5). For that reason, contaminated land conditions are necessary.

A Combined Phase 1 Desk Study & Phase 2 Report on Ground Investigation by Key GeoSolutions Ltd, dated April 2023 (ref: 9202-001-R-01-1) has been received 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 aspects of the report.

The report is a combined Phase 1 and Phase 2 report. The site is currently a temporary car park with soft landscaping around the perimeter. The report identifies that in 1894 the land was located on a disused colliery and the adjacent land was developed as Dewsbury Union Workhouse. By 1996 the adjacent Boothroyd Centre was developed and the building that was on site was demolished. Potential contaminated land sources identified in the report include but are not limited to, made ground from the construction of previous buildings, ground gases from underlying coal and ground contamination from the adjacent diesel generator.

An intrusive ground investigation was undertaken at the site on the 11th and 12th of March 2023. Six windowless sample boreholes were drilled, and samples were retrieved. Trial pits were also excavated in several locations. Shallow made ground was encountered to depths of approximately 0.3-0.7mbgl in most of the exploratory holes apart from BH01 and BH02 where deeper made ground was encountered to depths of approximately 1.3m and 1.5mbgl respectively. No odours were detected in the recovered samples and no evidence of contamination was noted. The sample of made ground from TP01B located in the car park adjacent to the site had elevated levels of benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene and dibenz(ah)anthracene. The report states although there was no evidence of diesel leakages around the generator or in the ground encountered during the investigation and testing, there is still potential for contamination to be present locally around the generator. The report recommends additional work including ground gas monitoring and groundwater monitoring.

We do not accept the report provided. Nevertheless, we have no objections to the development subject to the necessary contaminated land conditions and footnote being applied to any permission granted. There are several points requiring clarification which we expect to be addressed in any future submission:

1) Given the identified potential risks from ground gases we expect to see the results of the ground gas monitoring that is referred to in the report.
2) The sampling methodology is unclear and requires justification. For instance, five out of six samples were from the clay layer however one of the potential risks identified was from made ground. Therefore, it is unclear how the report conclusions have been reached.
3) Concerning the diesel generator the report reads, ‘Although no evidence of diesel leakages around the generator or in the ground encountered during the investigation and testing, there is still potential for contamination to be present locally around the generator.’ It is unclear how this statement can be made when none of the sampling locations appear to be in the vicinity of the generator.
4) No groundwater monitoring and sampling has taken place. Clarification is necessary.
5) The First Brown Metal coal seam is believed to be present below the site at shallow

depth, however the location is unconfirmed. The risk of combustible materials does not appear to be considered. Clarification is necessary.

Noise
In support of the application, an Environmental Noise Assessment authored by Noise.co.uk dated 13 February 2023 Ref 22418-1 has been submitted. The report makes reference to BREEAM and HEA05 which are outside the remit of Environmental Health. The report does assess the level of noise emitted from fixed mechanical plant using the principles of BS4142 and this is covered in Section 12.

An environmental noise survey was conducted between 07 February 2023 and 09 February 2023 and a summary of the results is shown in table 9 (para 8.4). Modelling has been used to predict the maximum sound power level for the plant area on the roof of the proposed building and this is shown in figure 7 for daytime and figure 8 for night time. Para 12.2.2 states BREEAM requires the outcome of the BS4142 assessment to be 5dB below the prevailing background sound level and we welcome this requirement.

The BS4142 assessment at para 12.4 shows the level to be 5dB below background, indicating a low impact to the nearest noise sensitive receptor as shown in figure 3. There is some uncertainty in the specification of mechanical plant and maximum target levels at the nearest noise sensitive receptors are given in para 12.4.1 and it is imperative these levels are not exceeded in order to prevent a loss of amenity. However, there is also some uncertainty about the screening for the mechanical plant which will afford some further attenuation and these uncertainties can be overcome with a recommendation for a compliance condition to ensure all fixed mechanical plant noise is 5dB below background levels. The findings of the report are accepted.

Construction Environmental Management Plan (CEMP)
In support of the application the following documents have been submitted:

- Construction Environmental Management Plan (CEMP) by Darwin Group, dated 25/04/2023, ref: 180598
- Plan titled Site location Plan, dated 2/2/23, ref:180598
- Plan titled Site Logistics Plan, dated 6/12/2022, ref:180598
- Air Quality Assessment by Redmore Environmental, dated 24/02/2023, ref:6468r1

Table 17 of the Air Quality Assessment provides information regarding dust management, the control measures listed include: “Avoid bonfires and burning of waste materials”, we would remind the applicant that burning is not allowed on a commercial building site. To avoid any doubt, we strongly recommend the document be amended.

The CEMP describes the project explaining a modular build system will be employed, which will reduce construction times and disturbance. The hours of operation are listed as 7:30am to 6:00pm Monday to Friday and 9:00am to 1:00pm on a Saturday. No noisy works will be undertaken on Sundays or Public Holidays, this is within our standard guidelines.
A site manager will be on site at all times when construction activities are being undertaken and 24-hour contact details will be posted on the site hoardings.
The plan goes on to clarify that good practices listed within the following documents will be followed: -

- Institute of Air Quality Management - “Guidance on the assessment of dust from

demolition and construction" Version 1.1 2014 which provides detailed information regarding dust control measures in construction.
- British Standard Code of Practice — British Standard 5228-1: 1997 Code of Practice for Noise Control on construction and demolition sites gives advice on methods of reducing noise nuisance on construction sites

The site will be protected by Heras fencing which will be covered in debris netting, wheel wash facilities will be available on site and wet road sweeping employed as necessary. The site manager will be undertaking site inspections, ensuring any remedial action to reduce dust is undertaken.

The site sits within the curtilage of the wider hospital footprint, which offers a buffer zone to the nearest residential sensitive receptors. Whilst the CEMP is largely based on health and safety protection for site employees, it does offer site-specific information to mitigate against the effects of nuisance from noise, dust and temporary construction related artificial light. The CEMP informs us that Best Practicable Means (BPM) will be employed on site, quoting the relevant guidance.

We accept the information submitted and remind the applicant that 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.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Groundworks (other than those required for a site investigation report) shall not commence until a 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 in either the approved Preliminary Risk Assessment or the approved Phase II Intrusive Site Investigation Report 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.

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 is at least 5dB below 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.