

Consultation Response from: KC Environmental Health (Pollution & Noise Control)**2023/91418 - Woodhouse Quarry, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR****Importation of infill materials to restore a former quarry****Date Responded:**
23rd November 2023**Responding Officer:**
NH & MN**Responding Ref:**
WK/202334680**Contaminated Land**

No contaminated land reports have been included in the supporting documents. Our records relating to the historical land use of the proposed development site reveal there is a potential for contamination due to the past activities including a historic landfill and a former quarry (site reference: 120/21).

Further to our comments dated 15th September 2023, we have received a Phase 1 Contaminated Land Assessment authored by New Tech Environmental Ltd, dated September 2023 (ref: CWSL.01.01/PH1A) in support of the application. The document includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report.

A Phase I report has been provided which assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site. An intrusive investigation is undertaken prior to the restoration.

We generally agree with the report provided. Any future Phase 2 report must ensure that the interactions between any landfill materials identified and new infill materials are fully covered in the risk assessment (and investigation).

Therefore, our contaminated land recommendations have changed. We now support the application subject to the necessary contaminated land conditions being applied to any consent granted.

Noise

We recommended a condition for a Noise Impact Assessment to be submitted and the applicant has responded to say that there are currently existing noise level restrictions in place on the site which the proposed restoration scheme will comply with, referring to condition 20 of the 2001/92414 permission.

The applicant states that since the approval of the original scheme, there have been no changes to noise level guidance relevant to minerals extraction which is incorrect as the Minerals Guidance Document was updated in October 2014 (<https://www.gov.uk/guidance/minerals#Noise-emissions>). Despite the applicant giving a commitment to adhere to these existing noise levels, the 2001 decision did not consider the use of any mobile crushing plant, which has been confirmed, and so a condition is recommended for a Noise Impact Assessment.

The applicant is advised that the use of the mobile crushing plant will also have an impact on the requirements of the Dust Management Plan.

Recommendations

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 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 (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. 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 development commences, a Noise Impact 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 the nearest 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/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Dust Management Plan – Condition

Prior to development commencing a Dust Management Plan (DMP) 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 air quality and occupiers of nearby properties by effectively controlling dust arising from all quarry related activities. 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 lifetime 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.

Dust Management Plan - Footnote

Kirklees Council has 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.

HUC1 Working Hours - Condition

Any operations granted under the consent of this permission must not take place, outside the hours of:

0800 to 1800 Monday to Friday and

0800 to 1200 Saturdays.

No activities 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.

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.

PPF1 Pollution Prevention Control - Footnote

The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2010. The applicant should seek advice from Environmental Health at Flint Street, Fartown, Huddersfield HD1 6LG, telephone 01484 221000, or email

pollution@kirklees.gov.uk