

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/91491 Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU		
Erection of 61 age-restricted apartments with ancillary accommodation including separate residents lounge and manager facilities and associated external works, including the erection of access bridge and riverside walk featuring two pedestrian bridges (within a Conservation Area)		
Date Responded: 5 th July 2023	Responding Officer: RM	Responding Ref: WK/202318933
<p>We have reviewed the application and supporting information and make the following comments and recommendations.</p> <p>Contaminated Land</p> <p>Our records show that the proposed development site is on and adjacent to land identified as being potentially contaminated and near to an historic landfill (our site references: 93/21, 95/21, and 53/21). A Phase I Geo-Environmental Report by JNP Group dated 16th December 2021 (ref: B24120-JNP-XX-XX-RP-G-1004 P01) has been submitted 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.</p> <p>The Phase I report reviews three previous reports relevant to the site by ARC Environmental: “Phase 1 Desk Top Study Report” (January 2007), “Phase 2 Ground Investigation Report” (February 2008), and “Supplementary Ground Contamination Report and Remediation Strategy” (December 2011).</p> <p>The site is relatively flat and contains a mill pond to the west and a mixture of hardstanding following the demolition of the mill. Since the 1800s, the land uses on-site have included Prickleden Mill (Woollen) Mill, a mill pond, Holme Valley Sheet Metal and a laundry. The river Holme is also on-site. There were no significant changes on the site until the mill buildings were demolished by 2021. The area around the site was occupied by agricultural land and the village of Holmfirth, containing residential, commercial, and industrial developments, including several mills and associate mill ponds along the length of the river Holme. Summarising the findings of previous investigations on-site, made ground and alluvium has been identified with groundwater at depths of between 1m and 5m below ground level (bgl). Historic ground gas monitoring placed the site within CS1, and elevated concentrations of organic and inorganic contaminants were identified. Made ground leachate analysis samples also revealed elevated concentrations of arsenic and nickel. No exceedances against the relevant criteria were identified in the groundwater analysis.</p> <p>From this, JNP conclude there is a ‘viable risk to human health’ in the made ground across the site and western corner of the large mill building to the north-east of the mill pond. It is recommended that remedial action is taken, and that additional investigation may be necessary.</p> <p>We accept the report provided and support a new investigation at the site to characterise the site in its current state. Therefore, we recommend conditions to secure a Phase 2 investigation and the subsequent phases of contaminated land management.</p>		

Air Quality

This development has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance which divides applications into 3 impact types (Minor, Medium and Major) using specific criteria. Based on this guidance, we consider the application to be classified as “medium”. Therefore, it will be necessary for a condition requiring an air quality screening assessment to determine the impact the development will have on local air quality. Depending on the outcome of the screening assessment it may be necessary for a more detailed Air Quality Impact Assessment.

Noise

The proposed development is near to the A6024 – Woodhead Road to the North and the River Holme to the South, noise from which is likely to have an adverse impact on future occupiers of the site. Therefore, it is necessary for a condition requiring a noise impact assessment to determine the existing noise climate and how this will affect the proposed development.

Loss of amenity caused by the construction of the development

Because of the large scale of the development and the proximity of residential properties to the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the construction phase of the development. Therefore, it is necessary for a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted.

Electric Vehicle Charging Points (EVCPs)

It appears that there will be provision for car parking at the development. Therefore, in an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

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 Preliminary Risk Assessment or the 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 (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.

AQIAC1 Air Quality Screening Assessment – Impact of new development on the area- Condition

Before the development is brought into use an Air Quality Screening Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the development will have on air quality taking into consideration

any cumulative impact from other local developments and the increase in traffic levels, trip rates and vehicle movements.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and outdoor amenity areas(daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

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.

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.

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.

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.