

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**
**2023/92061 119, Huddersfield Road, Mirfield, WF14 9DA**
**Discharge of conditions 6 (right-turn lane), 8 (Construction Management Plan), 10 (electric vehicle charging), 11 (Phase II report), 16 (Air Quality Impact Assessment), 18 (temporary drainage), 20 (surface water drainage), 22 (hardstanding drainage) and 27 (external lighting) of previous outline permission 2019/92221 for demolition of existing buildings and erection of Class E retail unit, access, car parking, servicing, landscaping and associated works (all matters reserved other than access)**
**Date Responded:  
16<sup>th</sup> October 2023**
**Responding Officer:  
RM, SR, NH**
**Responding Ref:  
WK/202328147**

The following comments relate to conditions 8(Construction Management Plan) ,10 (Electric Vehicle Charging), 11 (Phase Report), 16 (Air Quality Impact Assessment) only which are within the remit of Environmental Health.

**Condition 8 – Construction Management Plan (CMP)**

To assist with the discharge of condition 8 the applicant has submitted a Construction Phase Health And Safety Plan by Forge, dated June 2023, revision 1. We have reviewed the submitted document in relation to the following areas which are within the remit of Environmental Health.

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

Hours of operation and communication

The plan clarifies that neighbours will be contacted by means of letter drops as the project develops. Contact details of all Forge Construction management site personnel shall be displayed to the public at pertinent points, for example the site pedestrian entrance. No deliveries / collections or site activity shall take place outside the hours of 07:00 – 18:00 Monday to Friday, 08:00 – 14:00 on Saturdays, and at no time on Sundays or Bank Holidays.

Our standard operating hours require construction related noise to be inaudible 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 shall be audible beyond the site boundary on Sundays or Public Holidays.

The Site Manager has been identified as the responsible person for monitoring on site.

Fugitive Dust

Control measures put forward in the plan include:

- No contamination of local roads is anticipated, as the site is currently sealed with Tarmac, however, notwithstanding this, surrounding roads should always be kept clean. This shall be achieved by such means as [but not limited to] good housekeeping, sweeping / hosing down and the use of wheel wash equipment as required.
- Road-sweepers should only be employed as a last resort measure, and then only

following appropriate approval from the LA Highways Officer, to ensure compliance with any traffic embargoes etc. that may be prevalent at the time.

- Potential nuisance caused by airborne dust must be kept to a minimum by means of damping down, the use of screens, task selection based on prevailing weather conditions.
- During crushing operations water jets / mist cannons will be used to reduce dust levels with regular monitoring
- During dry and windy site conditions stockpiles will be periodically dampened with water suppression, (by hand).
- Drop heights will be minimised when loading vehicles with rubble

### Noise

To control noise and vibration the plan references, the HSE guidance L108 on controlling noise at work and the Control of Noise at Work Regulations 2005 (S.I.2005/1643). These documents largely deal with an employer's legal obligations to control risks to workers' health and safety from noise. We acknowledge the noise controls adopted, which have been noted below.

The plan contains relevant information to control noise and vibration and has identified particular noise emitting operations, the Applicant has referred to BS5228 (1:2009+A1:2014 Code of practice for noise and vibration control of construction and open sites), this provides methods for predicting and assessing noise from construction. We expect the controls, monitoring and record keeping within this standard to be operational at the site.

Control measures put forward in the plan include:

- Nuisance from noise shall always be monitored to be in accordance with current guidelines and legislation [The Control of Noise at Work Regulations, 2005] and kept to a minimum.
- If it becomes necessary to carry out a particularly noisy activity, advance warning to neighbours shall be given.
- All plant and equipment shall have regular service and maintenance checks, with records kept on site.
- All equipment shall be fit for purpose and have appropriate noise / vibration suppression fitted, all in accordance with BS5228 guidelines.
- Vehicles and mechanical plant will be maintained in a good and effective working order and operated in a manner to minimise noise emissions. The contractor will ensure that all plant complies with the relevant statutory requirements
- Compressor, generator and engine compartment doors will be kept closed and plant turned off when not in use
- All pneumatic tools will be fitted with silencers/mufflers
- Care would be taken when unloading vehicles to avoid un-necessary noise
- Restrict the number of plant items in use at any one time
- Plant maintenance operations will be undertaken at distance from noise-sensitive receptors
- Reduce the speed of vehicle movements
- Ensure that operations are designed to be undertaken with any directional noise emissions pointing away from noise-sensitive receptors
- Drop heights will be minimised when loading vehicles with rubble

- Local hoarding, screens or barriers should be erected to shield particularly noisy activities
- Temporary noise screens will be used to reduce noise from particularly noisy activities and the height of perimeter hoarding will be extended where this would assist in reducing noise disturbance at sensitive receptors
- Hours of operation should be strictly enforced and any deviations other than those previously identified will be with the consent of the local authority
- Noise levels will be monitored continuously across the whole working day and recorded using a hand held monitoring device (Decibel X – pro sound meter app) held approx. 1.5m above existing ground level, the monitoring location points will be North of the position of the crusher in closest proximity to the nearby residents to get the most accurate noise readings the residents may incur (the applicant is reminded that Environmental Health Officers will require access to the monitoring records in the event of any complaints to the Local Authority in regard to noise during construction).

#### Temporary Construction Related Artificial Light

The plan confirms that construction beyond daylight hours will be limited at this site, should artificial light be required to assist construction activities or security on site, it shall be placed in such a fashion so as not to cause loss of amenity.

We accept elements of the Construction Phase Health and Safety Plan by Forge, dated June 2023, revision-1, that are within the remit of Environmental Health and make the following recommendation.

#### **Condition 10 – Electric Vehicle Charging**

The Electrical Engineering Services External Lighting drawing by Wilson Gray Consulting dated Sep 2023 (ref: 79-E0000 Revision P03) shows four electric vehicle charging symbols in four parking spaces but it does not provide any further information. The new charging point overview sheet provides details of two EVCPs (Business Pro 2.1 and Business Lite 2.1). These provide up to 22kW of power via a Type 2 EV socket. The supporting standard store specification file document confirms the installation as shown in the plan.

On the basis that the proposals are to simultaneously provide fast electric charging for 4 vehicles at any given time, we accept the information. However, the planning officer must confirm the arrangement. We recommend the condition remain until the development is complete.

#### **Condition 11 – Phase II Report**

Condition 11 of previous permission outline permission 2019/92221 requires the submission of a Phase II Report. A Geo-Environmental Report by DTS Raeburn Limited (ref: E13431/1) 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 details the intrusive investigation undertaken in 2021. Several boreholes were drilled, and samples were retrieved for chemical analysis to establish the contamination status of the site. The results were then compared against a relevant assessment criterion for a commercial end-use. Gas and groundwater monitoring installations were fitted in to eight of the boreholes and monitored on four occasions throughout February and March 2021.

Groundwater samples were also recovered and tested as part of the investigation.

The investigation confirmed the presences of made ground in all boreholes between 3.8m bgl to 6.2m bgl. The made ground comprised of sand, gravel and cobble sized fragments of sandstone, quartz, brick concrete, tile, glass and clinker, and varying quantities of ash. The made ground was generally underlain by superficial alluvium and Pennine Lower Coal Measures.

Groundwater was confirmed in the alluvium horizons and associated with the adjacent River Calder. Groundwater was also encountered in the made ground layer attributed to perched groundwater.

Small clumps of brown fibrous material suspected to be Asbestos Containing Material (ACM) was observed in the made ground recovered from Borehole CP1 between 2.0m and 4.0m bgl. These were later at loose chrysotile and amosite asbestos fibres from a degraded asbestos insulation board. The analysis also confirmed the presence of elevated arsenic (in sample WS1 at 0.1-0.4m bgl and CP1 at 2.0 – 3.0m bgl) and benzo(a)pyrene, benzo(b)fluoranthene, and dibenzo(a,h)anthracene (all in samples CP5 at 0.3-1.0m).

The groundwater analysis confirmed elevated concentrations of dissolved metals (cadmium, nickel and selenium) were detected in the groundwater sample recovered from Borehole CP1, whilst concentrations of the PAH compounds fluoranthene, benzo(a)pyrene and benzo(b)fluoranthene in excess of the GAC were detected in the groundwater sample at Borehole CP2. Following the analysis, repeat sampling of the groundwater was scheduled. However, the report states that it was not possible to recover a second groundwater sample at CP1 due to damage due to '*ongoing site activities.*' The repeat analysis for the other boreholes confirmed concentrations of PAH compounds detected in groundwater at CP2 on the second visit remained broadly consistent with those detected on the first visit.

The ground gas monitoring confirmed elevated carbon dioxide (7.2% v/v max), methane (0.1% v/v max) and carbon monoxide (7 ppm max). Depleted oxygen levels were encountered (11.5% v/v min.) and the peak flow rate encountered was 3.3 l/h. Based on the data summarised above the calculated gas screening value reported is 0.2376 litres/hour which falls under 'Characteristic Situation' Classification CS2.

In conclusion, it is considered that remediation is necessary at the site. The report suggests the placement of a minimum of 500mm capping material above any soft landscaping and gas protection measures. Having read the report, we require clarification on several points:

- (1) We require a revised conceptual site model and risk assessment to be included as this appears to be missing from the report, contrary to LCRM guidance.
- (2) Part of the appended information is missing from the report, therefore we cannot confirm the validity of the report contents. All missing appended information must be included, and we expect this to include ground gas data sheets.
- (3) The ground gas monitoring undertaken does not appear to include low pressure (<1000mb) and no pressure trend information has been reported.

For these reasons, we recommend that Condition 11 remains until further notice.

**Condition 16 – Air Quality Impact Assessment**

To discharge condition 16 an Air Quality Assessment ref: (7023r1) (dated: 21<sup>st</sup> August 2023) by Redmore Environmental has been submitted.

The report details the impact of the development on existing air quality and assesses the likely impact that traffic generated by the development will have on local air quality and how this will impact existing and future sensitive receptors.

**Construction Phase**

For the construction phase, a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management Guidance (IAQM) on the Assessment of Dust Demolition and Construction. 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 and within 500m of the site entrance on the access roads. The report concludes that there is the potential for fugitive dust emissions, from demolition, earthworks, construction and track-out. It goes on to say that assuming the relevant mitigation measures outlined in Table 21 page 33 of the report are implemented, all dust generating activities are predicted to be not significant in accordance with the IAQM guidance.

**Operational Phase**

For the operational phase, detailed dispersion modelling using ADMS Roads (v5.0.1.3) was used to predict changes in pollutant concentrations due to additional traffic generated by the development at 30 sensitive receptor locations. The assessment was undertaken in accordance with Defra guidance using the latest Defra Vehicle Emission Factors Toolkit (EFT), Defra background concentrations, and monitored data taken from Kirklees Councils Annual Status Report (ASR). The traffic data obtained from the Department for Transport (DfT) was also used in the model. Using this data concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> were predicted at receptors for the following scenarios:

- Baseline (verification) year 2019
- Future year without the proposed development 2027 (Do Minimum- DM)
- Future year with the proposed development 2027 (Do Something- DS)

The report concludes that the concentrations of all pollutants are predicted to result in negligible impact at all considered sensitive receptor locations, and in accordance with the IAQM guidance, the overall effect is considered to be “not significant”.

In accordance with the West Yorkshire Low Emission Strategy – Technical Planning Guidance (WYLES) a damage cost calculation was undertaken to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with current DEFRA guidance and provides a five-year exposure value to the sum of £122,672. Para 5.4.10 of the assessment lists the proposed mitigation measures the cost of which equates to £300,000 which is over and above the calculated damage costs.

We accept the methodology and conclusion of the Air Quality Assessment.

**Conditions 27 – External Lighting**

To fulfil Condition 27, an Electrical Engineering Services External Lighting drawing (ref: 79-E0000 Revision P03) by Wilson Gray Consulting dated September 2023, has been received. We have reviewed the information provided. We acknowledge the updated points in the top right of the document and accept the information. Therefore, Condition 27 can be discharged.

**Recommendations****Condition 8 - Construction Management Plan (CMP)**

We recommend that the Construction Phase Health and Safety Plan by Forge, dated June 2023, revision-1 is approved. However, condition 8 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded 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.

**Condition 10 – Electric Vehicle Charging Point**

On the basis that the proposals are to simultaneously provide fast electric charging for 4 vehicles at any given time, we accept the information provided. However, the planning officer must confirm the arrangement. We recommend the condition remain until the development is complete.

**Condition 11 – Phase II Report**

We have read the Geo-Environmental Report by DTS Raeburn Limited (ref: E13431/1) and require clarification on several points. Therefore, we recommend that Condition 11 remain until further notice.

**Condition 16 - Air Quality Assessment**

We accept the Air Quality Assessment by Redmore Environmental ref: (7023r1) (dated: 21<sup>st</sup> August 2023) and recommend that condition 16 can be discharged.

**Conditions 27 – External Lighting**

We accept the Electrical Engineering Services External Lighting drawing (ref: 79-E0000 Revision P03) by Wilson Gray Consulting dated 7th September 2023 and recommend that Condition 27 is discharged.