

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2023/92075 Seventy Acre Farm Meltham Road, Honley, Holmfirth, HD9 6RG**

**Conversion, alterations and extensions to existing barns to form 10 dwellings together with associated garages, accesses, parking spaces, landscaping, drainage pond and boundary treatment. Demolition of redundant agricultural structures; alterations to existing access road: and formation of new (diverted) bridleway**

**Responding Date:**  
**23<sup>rd</sup> May 2024**

**Responding Officer:**  
**SR**

**Responding Ref:**  
**WK202416368**

**Comments**

**Contaminated Land**

Following our earlier response dated the 7th of August 2023, a Preliminary Geoenvironmental Investigation report authored by RGS, dated 16/02/24 (ref: C3489/24/E/6225) 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.

The report considers site historical information, geology, and other environmental information affecting the site. A site walkover was completed in February 2024. The site is described as a disused farm including several barns and a farmhouse with a cobbled courtyard the surface cover of the site mainly comprises grassed soil and is relatively flat.

Historical information presented informs the site is largely undeveloped with no visible signs of contamination present during the time of the walkover. There was a tank in place, however this appears to be of new build, is bunded and has good integrity.

Detailed information is also provided in relation to the anticipated ground conditions, including coal information, the nearest area indicated to be underlain by probable shallow coal workings is over 1.6km to the east.

The report goes on to present a preliminary conceptual site model, indicating a low risk to the site and no requirement for an intrusive investigation.

We accept the report and based on the information provided, we recommend a condition in relation to unexpected contamination to ensure the suitability of the site moving forward.

For ease of reference, we update all the recommended conditions from Environmental Health below.

The applicant is also reminded that we required pre determination information in regard to the provision of a sufficient a suitable wholesome water supply at the proposed development.

**Recommended Conditions**

### **CLC6 Reporting of Unexpected Contamination – Condition**

If contamination, the presence of coal and/or evidence of coal workings 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. 189 and 190 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. 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.

### **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 Bank/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.