

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2023/92448 Former Cooper Bridge Water Treatment Works, Leeds Road, Huddersfield, WF14 0BT</b>		
<b>Outline application for erection of B8 industrial unit</b>		
<b>Date Responded:</b> 11 <sup>th</sup> September 2023	<b>Responding Officer:</b> RM, NH, MN	<b>Responding Ref:</b> WK/202327411
<p>The outline application seeks approval for a 27,500m<sup>2</sup> warehouse with a maximum height of 24m. The site is located on the former Yorkshire Water Treatment works. This was previously a series of filter beds and adjoins the existing John Cotton factory on Leeds Road and is allocated for employment development within the Kirklees Local Plan (site ES9). There are two houses located immediately to the western site boundary and houses 130m away from the eastern most tip of the site.</p> <p>We have reviewed the application and supporting information and make the following comments and recommendations.</p> <p><b>Air Quality</b></p> <p>An Air Quality Assessment (ref: J0737/1/F1) (dated: 22<sup>nd</sup> August 2023) by Air Quality Assessments Ltd has been submitted in support of the application. The site is located immediately adjacent to the busy Cooper Bridge roundabout junction which connects the A644 Leeds Road to the A62 Cooper Bridge Road, and the A644 leading to Junction 25 of the M62. The site is also located adjacent to Kirklees Councils Air Quality Management Area (AQMA 1). The AQMA was declared due to exceedances of the national air quality objectives for NO<sub>2</sub>.</p> <p>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 sensitive receptors.</p> <p>For the operational phase detailed dispersion modelling using ADMS Roads (v5.0.1.3) was used to predict changes in pollutant concentrations due to traffic emissions caused by the development at 14 existing sensitive receptor locations. The assessment was undertaken in accordance with Defra guidance using the latest Defra vehicle Emission Factors Toolkit (EFT v11), Defra background concentrations, and monitored data taken from Kirklees Councils 2022 Annual Status Report (ASR). The traffic data provided by Fore Consulting Limited with traffic speeds of 20km/h within 25m of a junction were 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:</p> <ul style="list-style-type: none"> <li>• Baseline (verification) year 2019</li> <li>• Do Minimum (DM) future year without the proposed development (2025)</li> <li>• Do Something (DS) future year with the proposed development (2025)</li> </ul> <p>The report concludes that concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> are predicted to be insignificant in accordance with the IAQM/EPUK (Institute of Air Quality Management/ Environmental Protection UK) guidance, and negligible at all sensitive receptors with</p>		

concentrations for all pollutants below the national air quality objectives.

### Comment

Whilst we accept in principle the methodology of the assessment, we have the following comments to make:

- The assessment is based on traffic speeds of 20km/hr, 25 metres from each junction. Firstly, we do not consider that the congestion zone of 25m reflects the reality of the congestion at this junction and this requires further explanation. Secondly no rationale has been given as to why 20km/hr has been used, and we request that this is re-modelled using emission factors available for lower speeds.
- Further information is required regarding the proposed HGV movements per day and the expected age of the fleet.
- K6 is the nearest roadside diffusion tube to Rose Cottage R1. According to our latest monitoring figures taken from the 2023 ASR which is yet to be approved by DEFRA, the 2022 annualised concentration for K6 at roadside is 36.8  $\mu\text{g}/\text{m}^3$  and at the nearest receptor façade is 31.2  $\mu\text{g}/\text{m}^3$ . However, the predicted modelled concentration for the 2025 Do Minimum (DM) and Do Something (DS) scenarios as depicted in the assessment is 20.0  $\mu\text{g}/\text{m}^3$  respectively. This would suggest a reduction of 11.2  $\mu\text{g}/\text{m}^3$  over 3 years, this requires further explanation given the nature of this extremely busy junction.
- In accordance with the West Yorkshire Low Emission Strategy (WYLES) Technical Planning Guidance this application is classified as a major development in terms of air quality and there is a requirement for damage costs to be calculated and mitigation measures to the value of the damage costs. This is to offset the impact of the development on air quality.
- It is unclear if the assessment has considered the cumulative impact of other committed developments in the area.
- The assessment has omitted to include the impact on air quality during the construction phase, and any necessary mitigation measures and this is required.

Due to the above comments, we require a revised Air Quality Assessment which addresses our concerns. **This is required before the application is determined.**

### **Noise**

The applicant has submitted a Noise Impact Assessment (NIA) by Nova Acoustics dated 23 March 2023 Ref NP-009176. The report details the existing background sound climate and the predicted noise emissions associated with the Proposed Development.

A noise survey was undertaken between 07 March 2023 and 09 March 2023 from one measurement position as shown in figure 2 to establish the prevailing background sound levels. Figure 2 shows the nearest Noise Sensitive Receptors (NSRs) to be on Huddersfield Road completely overlooking the properties at the Leeds Road/Cooper Bridge Road junction (Rose Cottage, 2 & 2A Leeds Road) which are immediately adjacent to the site. This is

referred to in para 2.5 of the submitted Planning Statement from Shepherd Planning dated August 2023 which is accepted as being written after the NIA.

All modelling and predictions within the submitted NIA are based upon the impact to the occupiers on Huddersfield Road and therefore, the report is rejected. A further/addendum report will be necessary. **This is required before the application is determined.**

It is noted the proposed layout shown in figure 1 within the NIA differs from the submitted site plan from KPP Architects dated June 2023 Ref 2172 with particular reference to the Leeds Road/Cooper Bridge Road junction and the applicant is advised to ensure the correct site plan/layout is referred to in any submitted information.

### **Contaminated Land**

Our records indicate that the site may be contaminated due to the on-site and off-site historical land use/s. We have received a Phase I Environmental Assessment authored by Wardell Armstrong, dated December 2008 (reference: SD08-018), in support of the application. The report includes geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the report.

The report provided covers a larger area than the current application site. In the report, the site was described in 2008 as an active sewage treatment plant, bordered by Leeds Road and a timber mill to the north, the River Calder to the east, a railway line to the south and two residential properties to the west. During a site visit by Wardell Armstrong in December 2008, it was reported 4.7 hectares of the site were covered with filter beds, with the remaining parts of the site covered with grass and hardstanding. The filter beds are reportedly approximately 4-5 metres deep and there was evidence of numerous underground services. The filter media within the filter beds is described as slag with an estimated volume of 190,000 cubic metres.

Adjacent to the site entrance a brick building was reportedly used as a laboratory and store. To the west of this building, a prefabricated structure is described, reportedly marked with a pesticides warning sign. The remaining buildings on site were used as pumping stations. Wardell Armstrong noted '*minor stockpiles of stone, timber and concrete.*'

Historically, the site remained undeveloped until the 1920s when it was developed into a sewage works, with a concentration of tanks and filters within the western portion of the site described in the report (the application site). In the 1970s the layout of the sewage works changed, and a pumping station, electricity substation and tanks are now shown on the map. Since 2000, the southeastern portion of the site has been identified as a marsh. However, this appears to fall outside the application boundary. The surrounding former land uses include (but are not limited to) agricultural land, a station and railway sidings, several mills, quarries and collieries.

The environmental setting is also provided in the report. The site is understood to be situated on made ground overlying superficial alluvium, which in turn, overlies Lower Westphalian coal measures. In Section 6 of the report, potentially significant contamination sources (both on and off-site) have been listed. These include, chemical storage, electrical substation, sewage treatment works, made ground present across the site, potential asbestos-containing material, filter media (slag) and the adjacent wood mill and sewage treatment works. Table VIII then offers an initial assessment of all potential pollutant linkages.

The report concludes that the site's history suggests a low to moderate potential for contamination, both from the onsite past use and adjacent operations. The recommendations section suggests the need for a Phase II contamination assessment and a quantitative risk assessment including a detailed assessment of the filter media to determine its suitability for reuse on-site.

We have read the report provided. While we acknowledge its contents and support a Phase II intrusive site investigation at this site, it is important to note that the report is nearly 15 years old. Since its publication, there may have been changes both on-site and off-site that could impact the potential pollutant linkages that were originally identified in the 2008 report. Furthermore, we expect all contaminated land reports to adhere to current best practice guidance. Therefore, in the first instance, we require an updated Phase I assessment.

Despite the age of the report and considering the proposed commercial end-use, we do not have any objections to the proposals. However, we recommend the following necessary contaminated land conditions and footnote be applied to any planning consent granted.

#### **Electric Vehicle Charging Points (EVCPs)**

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.

#### **Lighting**

It appears that there are areas where artificial lighting is likely to be needed. Therefore, it is necessary for a condition to secure a detailed lighting scheme.

#### **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 part of 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).

#### **Recommended Condition**

Pre-determination information is required in relation to Air Quality and Noise. The following recommended conditions may be subject to change depending on the submission of further required information.

#### **CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition**

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

**CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition**

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 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 (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.

### **EVC1 Electric Vehicle Charging Points – Condition**

Before the development is brought into use, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles 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.

### **LC1 External Artificial Lighting - Condition**

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated

in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

#### **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**

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 Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2014.

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.