

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/92966 - Land to the rear of 271 Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB
Demolition of existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works
Responding Date:
27th November 2023
Responding Officers:
MN, RM & NH
Responding Ref:
WK/202333846
Contaminated Land

The application is for a major development. Several documents have been received in support of the application that relate to contaminated land. However, no Phase I report appears to have been received for review, as part of this consultation request.

Land Contamination Risk Management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the sites historical land use, site setting and the associated risks from contaminants to receptors are unspecified. We understand that a Phase 1 report has previously been authored for this site.

To confirm the validity of the documents received, we require site of a site-specific Phase 1 report. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed by the investigation undertaken. **We require this information before the application is determined.**

Noise

The applicant has submitted a Noise Impact Assessment authored by ENS dated 25 July 2023 Ref NIA-10976-23-11156-v1.2 Gomersal. A baseline noise survey was undertaken during the daytime period on Monday the 2nd of November 2015 and in Section 5, the author states the main body of this assessment is taken from the original report (NIA/6337/15/6195/v3) produced in November 2018. Reference is made to a consultation response from Kirklees Council's Environmental Health in relation to the previous planning application (ref: 2019/60/90902/E) where the Consulting Officer states: *"I have reviewed the ENS Noise Report reference: NIA/6337/15/6195/v3 dated 13/11/2018 and agree that no further mitigation measures are required other than standard building regulations in order to protect occupiers of the proposed development from noise."*

We accept there are no material changes to the noise sources impacting on the development, and the development itself maintains similar stand-off distances from the existing noise sources and so therefore, it is assumed that the conclusions in the previous report remain valid. This is applicable to both internal and external amenity.

Air Quality

An Air Quality Screening and Emission Mitigation Assessment by enzygo Environmental Consultants (ref: MAN.843.001.AQ.001.R.001) (dated: July 2023) has been submitted in support of the application. The proposed development is located in a residential area northwest

of Gomersal Town centre. The site is bounded to the south and east by residential dwellings along Cliffe Lane and Latham Lane. It is not within an Air Quality Management Area (AQMA) or near to any roads of concern. The nearest AQMA 4 is located approximately 1 km north of the site.

The report details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance (LAQM. TG16), the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

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 on the Assessment of Dust from 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 50m of the anticipated trackout routes. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concludes that assuming relevant mitigation measures as outlined in Table 10 pages 18-20 of the report are implemented, the effect of all dust generating activities during construction are predicted to be negligible and not significant in accordance with the IAQM guidance.

Operational Phase

In accordance with The West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance the site has been classified as Medium, in terms of air quality, because it is not within an AQMA and does not meet the triggers to classify it as a Major development. As such, air quality impact screening and exposure assessments have been undertaken to determine the changes in pollutant concentrations due to the development.

Off- Site Impact

Traffic flows obtained from Sanderson Associates, the transport consultants for the project predict the development will generate 516 AADT (Annual Average Daily Traffic) movements on the local network based on 87 dwellings. This was used to determine the volume of cars heading towards the AQMA. The distribution analysis predicted a maximum 24-hour AADT of 213 vehicles travelling north toward AQMA 4. In accordance with WYLES, this does not meet the criteria of a major development and the requirement for a detailed air quality impact assessment is not necessary.

On-site Exposure

Monitoring data provided by Kirklees Council, DEFRA background maps and other emissions sources were reviewed to assess the exposure of future sensitive receptors across the proposed development site. It showed that annual mean pollutant concentrations are below the air quality objectives within AQMA 4. It is therefore predicted that NO₂ and PM concentrations are expected to be below the respective air quality objectives at all locations across the development site, which is located 300m from the A651 and A643, which are major sources of vehicle emissions. The report goes on to say that local roads such as Cliffe Lane and Ferrand

Lane are not considered to significantly contribute to road vehicle emissions.

In line with the WYLES guidance for medium developments, the report recommends mitigation measures to assist in reducing any potential impacts in relation to air quality. Default mitigation measures are shown in Table 11 page 20 of the report and include the provision of EV charging for all dedicated parking and a travel plan promoting alternative mode of travel, amongst others. Therefore, we recommend a condition for electric vehicle charging points.

Comment

We agree with the overall methodology and approach and concur with the conclusions of the report. For the operational phase, we welcome the installation of EV charging points to mitigate for future emissions. For the construction phase of the development, we expect the best practice mitigation measures to control fugitive dust emissions as outlined in Table 10 pages 18-20 of the report to be implemented. Therefore, we recommend a condition to secure a Construction Environmental Management plan for this development. A robust CEMP must include a Dust Management Plan to control fugitive dust emissions during the construction phase of the development.

Construction Environmental Management Plan

The development is classed as a major development and a condition is recommended for a Construction Environmental Management Plan to be submitted to ensure any environmental emissions from the site are managed and controlled in order to prevent a loss of amenity to neighbouring properties.

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. The submitted EV Charging Plan from Loroc Architects dated 01.23 (Ref 1694-123) shows there to be a Mode 3 EV Charger with a Type 2 socket to each property and this is accepted. A condition is recommended to ensure the EVCPs are installed in accordance with the submitted information.

Recommendations

We require a Preliminary risk assessment report for the application site. We request sight of this information **before the application is determined**. For these reasons, we are unable to confirm our full recommendations for this application at the current time.

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. This should include a Dust Mitigation Plan with measures to monitor and control the emissions of dust during construction in

accordance with the Air Quality Screening and Emission Mitigation Assessment by enzygo Environmental Consultants (ref: MAN.843.001.AQ.001.R.001) (dated: July 2023)

- 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

Noise from any construction related activities shall not be audible outside the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

Noise from any construction related activities shall not be audible outside the site boundary at any time 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.

EVC2 Installation of Agreed Electric Vehicle Charging Points – Condition

Before the development is brought into use, the dedicated facilities that will be provided for charging electric vehicles shall be installed and made operational in accordance with those detailed within the submitted EV Charging Plan from Loroc Architects dated 01.23 (Ref 1694-123). Once installed the charging points shall be maintained and retained 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.