

**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:**  
15<sup>th</sup> January 2024

**Responding Officers:**  
NH

**Responding Ref:**  
WK/202338099

### **Contaminated Land**

The site has been identified as potentially contaminated due to its proximity to historic landfill. The following documents have been received in support of the application:

- A Geoenvironmental Desk Study report authored by JPG (Leeds) Limited, dated December 2018 (ref: MT/DS/4730.v5)
- A Phase II Exploratory Investigation Report by GeoDyne dated 13<sup>th</sup> July 2020 (ref: 39175-2).

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.

We have read the reports provided and agree with the soil analysis presented in Phase 2 report. However, we require clarification on several other aspects of the application:

- (1) The monitoring results are described as preliminary but refers to the site being classified as Characteristic Situation 2 according to CIRIA 665. Has the applicant undertaken any further monitoring since the report was authored?
- (2) The conceptual site model does not include risk from spontaneous combustion/combustible materials, despite a risk identified in the report.

We require clarification on these points moving forward. Nevertheless, we do not have any objections to the proposals and recommend the following contaminated land conditions and footnote be applied to any consent granted.

### **Recommended Conditions**

These conditions are in addition to those recommended in our most recent response.

#### **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. 189 and 190 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. 189 and 190 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. 189 and 190 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be 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. 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 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.

### **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.