

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

**2023/93082 - Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB**

**Discharge of conditions 3-13, 22, 23 and 25 of previous permission 2022/91730 for demolition of former dairy/snooker centre/storage and erection of 9 light industrial units**

**Date Responded:**  
**23<sup>rd</sup> November 2023**

**Responding Officer:**  
**NH, SR and MN**

**Responding Ref:**  
**WK/202334800**

Conditions 3, 4, 6, 7, 8, 10, 22, 23 and 25 are outside the remit of Environmental Health and therefore are not discussed in this response.

**Condition 5 - Construction Environmental Management Plan**

In support of the discharge of condition 5 the following has been submitted:

- Construction Environmental Management PLAN (CEMP) & Construction Management Plan (CMP)
- Construction Management Plan. Drawing No – 1816/103

We have reviewed the submitted documents in relation to the areas which are within the remit of Environmental Health.

Whilst we largely accept the information provided in relation to communication, dust control and artificial lighting, we require clarification on the timescale of construction i.e., number of months of construction and make the following comments in relation to noise.

Noise

We do not agree with the operating times listed in the CEMP, condition 17 is mentioned which is not relevant to this application. This requires amendment.

For the applicant's information our standard construction times are:

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.

We would expect a CEMP to reference best practicable means (BPM), (as defined in Section 72 of the Control of Pollution Act 1974 (CoPA)) and to include the controls appropriate to the site listed within BS 5228: Noise and vibration control on construction and open sites Part 1: Noise and Part 2: Vibration.

**Condition 9 – Noise Assessment**

The applicant has submitted a Noise Impact Assessment authored by Clover Acoustics, dated 12 October 2023 Ref 4824-R1. A background noise survey was conducted on Thursday the 6<sup>th</sup> of April 2023 from two measurement positions (MPs) as shown in figure 1 and a summary of the findings is shown in tables 1a and 1b (MP1) and 2a and 2b (MP2). The nearest sensitive receivers (NSRs) have been identified as the neighbouring residential dwellings on Northgate to the west of site and Scott Lane to the north.

A recommendation is made for some of the building fabric construction to Units A, C & D to be upgraded as shown in figure 4. Noise modelling was conducted with the roller shutter doors

open and closed based upon internal reverberant levels of 68dB(A) and 78dB(A) respectively and the results for each scenario are shown in the tables on page 16 at each NSR. Using the highest predicted level at NSR1 – Elmbank Hostel, a BS4142 assessment has been conducted and after applying a +6dB correction for impulsivity and intermittency, the rating shows a low impact. Context is offered stating this is a worst case scenario considering the likeliness of all units operating simultaneously, and at the identified noise limit levels.

The report considers the operational noise within the units but does not make any reference to vehicle noise with the Design & Access statement stating the access to the site is via Scott Lane, opposite NSR1 which may impact on the predicted levels and the BS4142 assessment. The submitted report is therefore rejected and we will require this additional information before considering the discharge of this condition.

### **Condition 11 – Phase 1 Desk Study**

A Phase 1 Desk Study Site Investigation Report by Geo Investigate, dated June 2023 (ref: G23144 Rev 1) has been received in support of the application to discharge Condition 11. 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 Phase 1 report assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site.

We accept the report provided and recommend that Condition 11 is discharged.

### **Condition 12 – Phase II Intrusive Investigation Report**

A Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) has been received in support of the application to discharge Condition 12. 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 is in a combined Phase 2/Remediation Strategy format. These comments only relate to the Phase II aspect of the report.

We have read the report provided and agree that gas protection measures are necessary at the site. In addition, all data from a previous intrusive investigation at the site, and one undertaken in September 2023 were screened against a commercial end-use. Despite elevated levels, no free product was observed and therefore, the report concluded that the site is not contaminated for the intended end use. We accept this information.

We therefore accept the information provided, and recommend that Condition 12 is discharged. We remind the applicant that any unexpected contamination not identified as part of the investigations to date, must be reported to the LPA as per the requirements of Condition 14.

### **Condition 13 - Remediation Strategy**

A Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) has been received in support of the application to discharge Condition 13. 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 is in a combined Phase 2/Remediation Strategy format. These comments only relate to the Phase II aspect of the report.

The remediation strategy proposes the installation of gas protection elements. Specifically, a reinforced cast in situ suspended floor slab and pressure relief pathway to provide a total score of 1.5. The report also provided proposals for fill materials in Section 10.4 of the report. Any fill material, either site-won or imported, to be employed at the site shall be subjected to assessed to determine its suitability prior to use. The document refers to The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance for clean cover. The document has also provided proposals as to how the remedial measures are to be verified and that a future report must include, evidence that suitable gas protection measures have been implemented and installed.

Having read the report, we consider the proposals to be generally acceptable however the verification report proposals presented in Section 10.5 are somewhat limited in relation to the verification of imported fill materials. We understand that there are to be some soft-landscaping areas as part of this development. For the avoidance of doubt, any fill material, either site-won or imported must be confirmed as suitable for the intended end-use and details must be provided in before the site is brought into use and this should be reported to the LPA before the site is brought into use. Further information can be found in the YALPAG Guidance - Verification requirements for cover systems (version 4.1, June 2021). A failure to adhere to best practice guidance may result in delays in discharging the relevant verification condition (Condition 15) associated with previous permission 2022/91730.

Nevertheless, the information provided is sufficient to discharge Condition 13.

### **Recommendations**

#### **Condition 5 - Construction Environmental Management Plan**

The submitted information does not meet with the requirements of the condition and therefore, we recommend the condition is not discharged at this time.

#### **Condition 9 – Noise Assessment**

We recommend this condition is not discharged until the additional information is received and accepted.

#### **Condition 11 – Phase 1 Desk Study**

The Phase 1 Desk Study Site Investigation Report by Geo Investigate, dated June 2023 (ref: G23144 Rev 1) satisfies the requirements of Condition 11 and should be discharged.

#### **Condition 12 – Phase II Intrusive Investigation Report**

We accept the A Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) and recommend that Condition 12 is discharged.

#### **Condition 13 - Remediation Strategy**

We accept the Report on a Phase 2 Environmental Investigation & Phase 3 Remediation Statement by RGS Ltd dated October 2023 (Ref: C3732/23/E/5713) and recommend that Condition 13 is discharged.

