Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/93350 - Former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP		
Development of former Deighton Centre (previously Deighton High School) comprising Social Emotional and Mental Health School (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development		
Responding Date: **4th January 2023**	**Responding Officer:** **RM, NH, MN**	**Responding Ref:** **WK/202337756**

Air Quality

An Air Quality Assessment by BWB Consulting (ref: 220983-AQA-001) (dated: September 2023) has been submitted in support of the application. It details the impact the development will have on air quality during the construction and operational phases, using national and local 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 (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. A risk assessment was undertaken to identify all potential sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations within 350m of the site boundary. From this, the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concludes that the highest risk category identified was “medium risk” in accordance with the IAQM guidance, and as such there is the potential for air quality impacts due to fugitive dust emissions from the site. It goes on to say that these impacts could be controlled by the implementation of dust mitigation measures. The recommended dust mitigation measures taken from the IAQM guidance are outlined in Table 4.5 and Table 4.6 on pages 18 – 21 of the report.

Operational Phase

The application has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance which divides applications into 3 impact types (Minor, Medium and Major) using specific criteria. The proposed development and has been classed as Medium in terms of air quality because it is not within an Air Quality Management Area (AQMA) or near to any roads of concern and falls below the criteria for a Major development.

The trip generation for the proposed development has been provided by BWB Consulting Ltd the Transport Consultants for the project. They predict that the development will generate an additional 556 Light Duty Vehicle (LDVs) movements as a 24hr Annual Average Daily Traffic (AADT) flow. Due to the expected distribution of the additional traffic east & west on Deighton Road, the anticipated trip generation falls below the IAQM and EPUK (Environmental Protection UK) criteria for a detailed assessment. Therefore, a qualitative screening assessment has been undertaken.

The screening assessment uses 2019 monitoring data provided by Kirklees Council and transport data provided by BWB Consulting Ltd to determine the impact of the development on local air quality. The report concludes that future pollutant concentrations at the proposed development site are likely to be below the national air quality objectives and therefore consider the proposal suitable for its sensitive end use.

In accordance with the WYLES Technical Planning Guidance, Type 1 and Type 2 mitigation measures are required to offset the impact of the development on air quality. The proposed mitigation includes 12 electric vehicle charging points (EVCPs) and a Travel Plan.

Comment
We agree that the proposed development is classified as medium in accordance with WYLES and therefore agree with the methodology and conclusion of the Air Quality Assessment. We therefore recommend conditions to secure the implementation of the proposed mitigation measures.

Contaminated Land
The site has been identified by this service as potentially contaminated. The following documents authored by HSP Consulting have been received in support of the application:

- Phase 1 Geo-Environmental Desk Study Report, dated December 2022 (ref: HSP2022-C4164-G-GPI-1137)
- Phase II Geo-Environmental Assessment Report, dated May 2023 (ref: HSP2023-C4164-G-GPII-1222)

The reports contain geo-technical information, which is outside the remit of Environmental Health. This consultation response specifically addresses contamination land aspects of the report only.

The Phase I report appraises the site's history and surrounding land uses since the 1800s, offering a comprehensive assessment of the environmental setting. It is evident that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact the development and the environment. These include, but are not limited to, a refuse tip within the north area of the site and made ground associated with the former buildings. The report identified potential pollutant linkages and recommended an intrusive investigation to confirm the ground conditions and pollutant linkages.

The Phase II report describes the investigation conducted on-site in November 2022, February 2023, and April 2023. The investigation included the boreholes, trial pits, the retrieval of samples for chemical analysis and the monitoring of ground gas and groundwater.

A total of 25 samples were retrieved from the site and sent for chemical analysis and compared to a relevant assessment criterion. The analysis confirmed the presence of contamination at the site, including lead and several PAHs in excess of the screening value. Amosite fibres were also confirmed as present in TP01 (<0.001% w/w). No asbestos was identified in the remaining samples.

The ground gas monitoring across four installations was undertaken when atmospheric

pressures ranged between 1003mbar and 1037mbar and during 1 falling pressure event. The results of monitoring to date indicate that methane had not been recorded above the limits of detection. Carbon dioxide has been recorded at concentrations up to a maximum 3.0% v/v. Steady state gas flows have been recorded up to 0.6l/hr. The maximum steady state gas screening value for the site was calculated as 0.018 l/hr. The authors concluded that the site falls into a Characteristic Situation 1 and therefore, ground gas protection measures are not required.

After reviewing the report, we consider the following to need attention:

(1) Deviating samples have been reported in the laboratory report. Specifically, incorrect sampling containers. We require additional commentary in relation to this point as results may be compromised due to sample deviations.

(2) The intrusive investigation lacks monitoring under <1000mB **and** falling pressure. This does not appear to be in accordance with best practice guidance. Given the proximity to historic landfill and sensitive end-use we would expect this to be included in the investigation in accordance with best practice. The comparison with spike testing is insufficient justification to stop monitoring from standpipes.

(3) We request additional commentary regarding the sampling methodology for VOCs as the exceedance of naphthalene at TP04 appears to be under the footprint of the school building. We also request additional comments on the vapour risk to site-users as this does not appear to have been included in the report.

Due to the identified points, we are currently unable to accept the report in support of the application. Nevertheless, there is sufficient information to support the application, provided the necessary contamination land conditions and associated footnote are applied to any consent granted.

Noise

A Noise Impact Assessment has been submitted authored by Apex Acoustics dated 31 August 2023 Ref 10046.3. It considers the potential impact on the identified noise sensitive receptors (NSRs) as shown in figure 1 due to noise associated with the development, primarily from the fixed mechanical plant/equipment and the two Multi Use Games Areas (MUGAs) as shown in figure 2 - site plan. The findings of the monitoring, which was conducted over the period of the 12th to the 14th of October 2022, are shown in table 3 - long term and table 4 - short term.

Based upon the accepted Sport England recommended noise source level from the use of artificial grass pitches being 58dB $L_{Aeq,T}$ at 10m from the half way line, modelling was conducted which is reflected in the image in table 4. The calculated noise levels shown in table 7 indicate a low impact to NSRs to the North and South of the site. Whilst this is accepted, consideration must also be given to the effects of ball strikes and a condition is recommended for the MUGA fencing to be installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications in the interests of amenity.

Para 5.48 of the submitted Planning Statement from Lichfields dated November 2023 states the MUGAs will not be used for evening, weekend or community use. A condition is recommended to control the hours of use for the MUGAs in the interests of amenity.

Section 9 of the report considers the external plant noise and as this information is unknown at the time of writing, an upper limit is given with a caveat that building services plant and equipment should be designed accordingly to satisfy the specified limits, including any corrections for tonality, impulsivity or other distinguishing characteristics. A condition is recommended to ensure the fixed mechanical plant do not exceed the specified background levels in the interests of amenity.

The findings of the submitted report are accepted.

Construction Environmental Management Plan
The proposal is classed as a major development and likely to lead to environmental emissions that will need to be controlled to protect amenity. A condition is recommended for a Construction Environmental Management Plan to be submitted prior to development commencing.

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. Para 3.11 of the submitted Planning Statement from Lichfields dated November 2023 states there will be 111 car parking spaces with drawing no. L-2352-GAP-1200 General Arrangement Plan – EVCP from colour dated 27 September 2023 showing 6x car chargers and 6x 8-seater minibus charge points. This number of EVCPs is accepted but no technical specification for the chargers is given and so a condition requiring this information is therefore recommended.

External Artificial Lighting
No detail is given on the external artificial lighting for the building, car park or MUGAs. A condition is recommended for a lighting scheme to be submitted in the interests of amenity.

Recommended Conditions
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.

SP2 Ball Impact Sound Mitigation - Condition
All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

HUC1 Hours of Use for MUGAs - Condition
The MUGAs shall not be used outside the hours of 0830 to 1830 Mondays to Fridays only.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NC10 Noise from Fixed Plant & Equipment - Condition
The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

EVC1 Electric Vehicle Charging Points - Condition
Before first occupation details regarding the technical specification of the 12 electric vehicle charging points (EVCPs) 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.

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. This must include dust mitigation measures as recommended in Table 4.5 and Table 4.6 on pages 18 – 21 of the Air Quality Assessment by BWB Consulting (ref: 220983-AQA-001) (dated: September 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
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.

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 applicable to both the site and to the MUGAs:

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.

LF1 Artificial lighting - Footnote
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone.