

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/93464 Land at Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

Discharge of conditions 4 (Phase II report), 5 (Remediation Strategy), 8 (Construction Environmental Management Plan), 9 (CEMP: Biodiversity), 10 (road condition survey), 11 (estate roads), 12 (Lingards Road footway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 16 (drainage infrastructure in highway), 17 (drainage scheme), 18 (flood routing), 19 (temporary drainage), 20 (Arboricultural Method Statement), 21 (bridge details), 22 (green retaining wall), 23 (Ecological Design Strategy), 24 (ecological measures), 25 (materials), 26 (footpath connections), 27 (landscaping), 28 (lighting), 29 (temporary waste arrangements), 30 (pedestrian improvements), 31 (pedestrian improvements) and 33 (cycle parking) of previous permission 2020/93954 for erection of 42 dwellings and associated works

Responding Date:
19th December 2023

Responding Officer:
SR- Condition 8
NH-Conditions 4&5

Responding Ref:
WK/202338140

Comments

Our comments relate to conditions 4,5 and 8 that are within the remit of Environmental Health.

Condition 4 – Phase II Investigation

A Geo-environmental Ground Investigation Report dated October 2023 (ref: E11/7931/R001) has been received in support of discharging Condition 4. This consultation response only relates to the land contamination aspects of the report.

We have read the report provided. The investigation confirmed the presence of elevated contaminants in the location of TP10, including lead (320 mg/kg) and PAH total and individual PAH compounds including naphthalene (4.4 mg/kg), benzo(a,h)anthracene (61 mg/kg), benzo(b)fluoranthene (42 mg/kg), benzo(a)pyrene (59 mg/kg) and dibenzo(a,h)anthracene (6.7 mg/kg). No other elevated levels of heavy metals, phytotoxic metals, PAH (total) or individual PAH compounds were recorded in the samples taken from site. No asbestos was recorded in the samples taken from site. the report recommends the completion of the gas monitoring and, the removal of the TP10 hotspot and verification.

We accept the Geo-environmental Ground Investigation Report dated October 2023 (ref: E11/7931/R001) and recommend that Condition 4 is discharged.

Condition 5 – Remediation Strategy

A letter titled 'Re: Contamination Remediation Method Statement for Proposed development off Lingards Road, Slaithwaite' authored by Haigh Huddleston & Associates dated 3 November 2023 (ref: E19/7567/MD/06) has been received in support of discharging Condition 4. This consultation response only relates to the land contamination aspects of the report.

We generally accept the proposals presented in the letter to remediate the hotspot at TP10. However, we would expect to see proposals for PID monitoring during the delineation works owing the levels of volatile compounds encountered. Has this been considered?

In addition, the ground gas monitoring data discussed in the Phase 2 report has not been provided. Therefore, the ground gas regime for the site remains uncharacterised. We require this information before we can reconsider the discharge of the remediation strategy condition.

For these reasons, Condition 5 must remain until further notice.

Condition 8 - Construction Environmental Management Plan (CEMP)

A Construction Environmental Management Plan, titled Land at Lingards Road, Slaithwaite, Huddersfield, HD7 5HY, dated November 2023, has been submitted in relation to the discharge of Condition 8, the submitted documents have been assessed in relation to the following areas which are within the remit of Environmental Health.

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

Communications

The plan clarifies that construction will take somewhere in the region of 130 weeks. Working hours are given as Monday to Friday 7.30am to 18:00 and Saturday 8:00 to 13:30. There will be no noise generating operations on Saturday afternoons or Sundays and Bank Holidays. Responsible persons have been appointed and a complaints system will operate.

Local residents will be kept informed by way of site signage and email communication.

Construction Noise and Fugitive Dust

The plan confirms that a wheel wash facility will be available at the site exit, ensuring mud and debris should be cleaned from vehicles before they leave site.

It goes on to list all the controls and mitigations necessary for noise and dust which will be employed at the site. Staff training will be given to ensure the controls are followed and effective.

Temporary Artificial Lighting

Temporary artificial lighting for construction will be very restricted on site and any security lighting will be directed away from nearby sensitive receptors therefore mitigating the possibility of stray light or glare causing loss of amenity.

We accept the submitted information and make the following recommendation.

Recommendations

Condition 4 – Phase II Investigation

We accept the Geo-environmental Ground Investigation Report dated October 2023 (ref: E11/7931/R001) and recommend that Condition 4 is discharged.

Condition 5 – Remediation Strategy

We acknowledge the submission of the letter titled 'Re: Contamination Remediation Method Statement for Proposed development off Lingards Road, Slaithwaite' authored by Haigh Huddleston & Associates dated 3 November 2023 (ref: E19/7567/MD/06). However the letter does not satisfy the requirements of the condition, therefore Condition 5 must remain until further notice.

Condition 8 - Construction Environmental Management Plan (CEMP)

We recommend that the items within the remit of Environmental Health contained within the Construction Environmental Management Plan, titled Land at Lingards Road, Slaithwaite, Huddersfield, HD7 5HY, dated November 2023 are approved. However, condition 8 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

The applicant is reminded that 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.