

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

2023/93704 - land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB

Erection of 10 dwellings and associated works

Date Responded:
26th February 2024

Responding Officer:
NH

Responding Ref:
WK/202403210

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land due its former use (our reference: 141/11). Contaminated land conditions are therefore necessary. The following documents have been received in support of the application:

1. A Phase 1 Geo-Environmental Report, authored by Haigh Huddleston Associates, dated July 2021 (ref: E21/7792/R001)
2. A Geoenvironmental Appraisal Report, authored by Lithos, dated December 2022 (ref: 4511/1)
3. A Letter titled, 'Preliminary Findings', authored by Lithos, dated October 2022 (ref: 008/4511/AG/cc)
4. A Letter titled, 'Gas Risk Assessment', authored by Lithos, dated May 2023 (ref: 016/4511/AG/JHR)

The reports include geotechnical information, which is outside the remit of Environmental Health. This consultation response only relates to the land contamination aspects of the reports. We have read the Phase 1 report received; however, the report does not appear to cover the application site relevant to this planning application. Instead, the report describes a 0.91ha site to the east of the application site.

The Phase 2 report provided appears to, in part, cover the planning application site and refers to two separate Phase 1 reports authored by Haigh Huddleston Associates. So that we can confirm the validity of the intrusive investigation and report, we request sight of the Phase 1 report relevant to the site and used to inform the Phase 2 investigation.

At this stage, we also seek additional information regarding the combustion risk assessed in the Phase 2 report. The calorific value of seven colliery spoil samples were determined. In addition, three of the colliery spoil samples were subject to Cairney Combustion Susceptibility Testing. Given the heterogenous nature of the colliery spoil and made ground on site, as acknowledged in the Phase 2 report, we also request the applicant to confirm the testing schedule rationale.

Give the coal legacy at the site, the potentially contaminated land and sensitive end-use proposed, we withhold further comment at this time, and we require this information **before the application is determined**. This is 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.

Construction Environmental Management Plan

Because of the proximity of residential properties to the site boundary, there is a potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial

light from the construction phase of the development. Therefore, it will be necessary for a condition requiring a Construction Environmental Management Plan (CEMP).

The CEMP must 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 and remediation 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 and remediation related activities, which should include measures to monitor and record the emissions of dust during construction
- 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.

Electric Vehicle Charging Points – Advisory

We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

Recommendations

At all stages of development, the LPA must ensure that satisfactory reports have been submitted to demonstrate that the site can be safely developed and is suitable for the intended use. 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., we require additional information related to contaminated land **before the application is determined.**

Subject to satisfactory contaminated land information being received and approved in writing by the LPA, we would then support the following conditions and advisory being applied to consent granted:

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
- 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 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 Bank/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 2.1 2023.

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

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.
- Approval of EVCPs 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.