

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:
4th June 2024

Responding Officer:
NH

Responding Ref:
WK/202416653

Contaminated Land

Further to our comments dated 19th April 2024, we have received a consultation request from the LPA to provide comments on the above application. We acknowledge the information indexed on the 23rd May 2024. However, it appears that Environmental Health have already commented on this information and fails to address our concerns raised in our past consultation responses.

We still need more details on the combustion risk that Lithos evaluated for the Phase 2 report. Seven samples of colliery spoil had their calorific value measured. In addition, Cairney Combustion Susceptibility Testing was performed on three samples of colliery spoil. Why were the three samples picked for the Cairney Combustion Susceptibility Test and the seven samples chosen for the Calorific Value Testing? Crucially, we do not think this has been covered in the reports that have been provided so far. Therefore, more information is considered necessary 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.

Given 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**. Failure to address the above points with new information is likely to result in delays in the planning application being processed or in the planning application being refused.

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.