

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:
15th July 2024

Responding Officer:
NH

Responding Ref:
WK/20241918

Contaminated Land

Further to our comments dated 4th June 2024, we have received an email from Lithos dated 26th June 2024. The email provides further clarification regarding the testing rationale for calorific value. The samples with the highest CV value were chosen for Cairney combustion susceptibility testing, to provide a worst-case scenario.

We acknowledge the additional information from Lithos. However, we consider the site characterisation to be incomplete and request additional information. Firstly, we require additional information in relation to combustible materials and the associated risks. The current assessment of combustion risk is inadequate due to the wide range of calorific values reported (from 4.5 to 15.7 MJ/kg).

The Lithos Phase 2 investigation and report covers a larger area than the application site, and only one sample from the application site (TP22 at 1.0m, colliery spoil) was subjected to Cairney Combustion Susceptibility Testing, which indicated the sample was inert. However, the heterogeneity of the made ground samples warrants additional testing to accurately determine the combustion risk. A representative number of samples must be taken from the site to confirm the risk.

Secondly, we request additional information in relation to the mine gas risk. The gas monitoring completed relies on the gas screening value to characterise the gas risk at the site. While the monitoring was performed in line with good practice guidance, we believe a site with such coal legacy features should also adhere to *Good practice for risk assessment for coal mine gas emissions* guidance (CL:AIRE, 2021). Additionally, the proposed drilling, grouting, and earthworks at the site have not been addressed in the conceptual site model. Therefore, we request a more detailed risk assessment to fully understand the current gas emission risks associated with this site. The likely effects of these activities should be thoroughly considered and incorporated into the conceptual site model.

Overall, we are now satisfied that there is sufficient information to support the application, subject to conditions being applied to any consent granted. For the reasons detailed above, a pre-commencement condition is necessary to secure additional information for site characterisation. Additionally, a pre-commencement condition for a remediation strategy is required. This strategy must include proposals for post-remediation ground gas and groundwater monitoring. A condition is also recommended to ensure the remediation is carried out and validated through a verification report.

We remind the applicant that all forthcoming contaminated land reports need to be site-specific and only include information relevant to the application site.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the approved Preliminary Risk Assessment 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 approved Phase II Intrusive Site Investigation Report, 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 approved Remediation Strategy. If 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. 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.

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.