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

2024/90189 - Old Railway Goods Yard, Scar Lane, Milnsbridge, Huddersfield, HD3 4PE

Discharge conditions 3 (external materials), 7 (noise), 9 (Phase I Desk Study Report), 10 (Phase II Intrusive Site Investigation Report) on previous permission 2023/90672 for erection of industrial unit and associated parking (within a Conservation Area)

Responding Date: **4th March 2024**	**Responding Officers:** **MN & NH**	**Responding Ref:** **WK202402845**

Note – The comments relate to Conditions 7 (Noise), 9 (Phase I Desk Study Report), 10 (Phase II Intrusive Site Investigation Report) ONLY.

Comments

Condition 7 (Noise)

The applicant has submitted an Assessment of the Existing Noise Climate authored by DRUK Limited dated 14 November 2023 Ref DRUK/ACC/RS/ORGYSLMH/3254. Based upon the submitted plans for the location of the proposed unit, a BS4142 assessment has been conducted. It is noted that section 4 states the end user is unclear although the report mentions the existing motor vehicle engineer has expressed an interest. Therefore, the assessment is based upon this use.

The nearest noise sensitive receivers (NSRs) are identified in para 5.4 and background and residual sound level monitoring was conducted between 1000hrs to 1200hrs on Thursday the 9th of November and between 1400hrs to 1600hrs on Friday the 10th of November 2023 from 2 measurement positions (MPs) as shown in figure 2. A summary of the results for each MP is given in tables and 3. The report states the noise contributions were primarily from road traffic on Scar Lane, occasional noise from the surrounding commercial enterprises on the Old Railway Goods Yard and the passage of trains to the North of the site.

The report considers the break out noise to the NSRs using typical construction methodology for the base, blockwork and roof along with a roller shutter door to the front with a number of reasonable assumptions on activity and use made. Based on this, the calculated noise level at the NSRs is given in table 6 and a BS4142 assessment undertaken with a +6dB penalty applied resulting in a low impact to both NSRs for both daytime and afternoon operations as shown in tables 7 – 10.

The report proceeds to explain that some of the noise from the unit may be noticeable but in context with the existing and neighbouring use, the sound levels from these other many and regular sound sources would effectively mask any noise contribution from the new industrial unit.

The submitted information is accepted.

Condition 9 (Phase I Desk Study Report)

A Phase I: Desktop Study and Preliminary Risk Assessment Report, authored by GeoEnviro Solutions Ltd, dated November 2023 (ref: 4349-23 PI) has been received in support of the application to discharge Condition 9.

A Phase I report has been provided which assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site. We accept the report and recommend that Condition 9 is discharged.

Condition 10 (Phase II Intrusive Site Investigation Report)
A Phase II: Ground Investigation & Updated Risk Assessment, authored by GeoEnviro Solutions Ltd, dated January 2024 (ref: 4349-23 PII) has been received in support of the application to discharge Condition 10. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

A site walkover was carried out on the 9th December 2023. No visual or olfactory evidence of contamination was encountered or observed during this ground investigation. From the investigation undertaken (including window sampling and retrieval of samples for chemical analysis), exceedances against the generic assessment criteria for a commercial end-use were reported. These were at benzo(b)fluoranthene (280.42mg/kg), benzo(a)pyrene (319.15 mg/kg) and dibenz(a,h)anthracene (36.71mg/kg). The report considers a single hotspot to have been identified at WS02 as no other exceedances against the chosen GAC were identified elsewhere.

Due to the proposed commercial/industrial end use of the premises it is assumed a concrete floor slab is to be installed inside the building and hardstanding across external areas. As a result of this a very low risk rating has been assessed.

Comments
We require clarification on several points before we can further consider the application to discharge Condition 10:

1. Having read the report, we do not agree with the risk assessment presented given that the source of the hydrocarbons has not been established, and the concentrations are significantly greater than the generic assessment criteria. Additional commentary is needed.

2. The report states that the intrusive investigation was undertaken 9th December 2023. Then, the laboratory sheets state the samples were taken dated 26th November 2023. The pictures of the soils retrieved from the boreholes are dated 4th June 2020. This discrepancy requires clarification, and we expect this to include details of the sampling methodology to ensure sampling was undertaken in accordance with best practice guidance.

3. There appears to be no sampling or testing of samples to the western section of the development site, yet this area is part of the red line boundary. Paragraph 189b of the National Planning Policy Framework states that planning policies and decisions should ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. So, essentially, we want to ensure that all soft-landscaping areas within the planning boundary are suitable for its intended end-use. However, without additional testing to the

rear of the development it is unclear what remediation (if any) will be necessary. Clarification is necessary as to why no samples were taken in this area and how it will be demonstrated as suitable for the intended end-use. Should this area be hard covering, we request the applicant to confirm this intention.

For these reasons, Condition 10 must remain until further notice.

Recommendations

Condition 7 (Noise)

The construction materials for the unit are unknown and so we recommend this condition is not discharged until evidence is submitted to ensure the construction will meet or exceed the values referred to in the submitted Assessment of the Existing Noise Climate authored by DRUK Limited dated 14 November 2023 Ref DRUK/ACC/RS/ORGY SLMH/3254.

Condition 9 (Phase I Desk Study Report)

A Phase I report has been provided which assesses the potential source pollutant linkages and recommends a site investigation to establish the geoenvironmental conditions of the site. We accept the report and recommend that Condition 9 is discharged.

Condition 10 (Phase II Intrusive Site Investigation Report

We are unable to comment fully on the received Phase II: Ground Investigation & Updated Risk Assessment report, authored by GeoEnviro Solutions Ltd, dated January 2024 (ref: 4349-23 PII) and request additional information before we can further consider the discharge of Condition 10.