

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90253 Land at, Cuckstool Road, Denby Dale, Huddersfield, HD8 8RB
Outline application for erection of residential development with associated biodiversity and open space enhancements
Date Responded:
13th March 2024
Responding Officer:
RM
Responding Ref:
WK/202406148

We have reviewed the application and supporting information and make the following comments and recommendations.

Contaminated Land

A Coal Mining Risk Assessment by Lyons CMC Coal Mining & Geotechnical Consultancy (ref: CMRA 00295) (dated: 13th May 2022) has been submitted in support of the application. 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.

The report has identified that there is the potential for shallow coal workings beneath the site, due to the Whinmoor Coal Seam which forms part of the Denby Dale Colliery. The adits (mine entrances) follow the coal seam beneath the land, and it is thought that this may have been worked via pillar and stall. The report concludes that an intrusive site investigation is required given the shallow coal workings and potential voids beneath the site. It also recommends that the presence of mine gas is also investigated over a period of 3 to 6 months.

Given the coal legacy at the site, the potentially contaminated land and sensitive end-use proposed, we require at minimum a Phase 1 preliminary risk assessment report and where necessary, a Phase 2 report. This information is required **before the application is determined** 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.

Loss of amenity caused by the construction of the development

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, we recommend a condition restricting the times when noisy construction activities (including deliveries) will be permitted.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. An advisory relating to charging points is therefore necessary.

Smoke Control

It appears from the Design & Access Statement by Cadvis3d Ltd (Ref: 2280) (dated: December 2023) that the proposal is to install wood burning stoves. We must remind the applicant that all of Kirklees is covered by a Smoke Control order, therefore, the appliances

must comply with the Clean Air Act 2021. Meaning that smoke cannot be emitted from chimneys serving buildings including all residential. To comply with the smoke control legislation only exempted appliances must be installed in line with manufacturer's instructions: <https://smokecontrol.defra.gov.uk/appliances.php?country=england> or by burning only exempted/smokeless fuels in non-exempt fireplaces/open fires <https://smokecontrol.defra.gov.uk/fuels.php>. To ensure compliance with the necessary legislation, the applicant should seek advice from Environmental Health, email pollution@kirklees.gov.uk

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.**

The following conditions are recommended for other aspects of the application. Please note our recommendations are not final and are subject to satisfactory contaminated land information being submitted and approved before the application is determined.

CSC1 Construction Site Working Times - Condition

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.

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

CSF1 Construction Sites working times – Footnote

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 – Advisory Footnote

- Approval 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.
- 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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from

the West Yorkshire Low Emissions Strategy (WYLES) Group

SC1 Smoke Control- Footnote

It appears from the submitted plans that the proposal includes woodburning stoves. Therefore, the appliance must comply with the Clean Air Act 2021. To ensure compliance with the necessary legislation, the applicant should seek advice from Environmental Health, email pollution@kirklees.gov.uk