

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/90698 Veolia ES (UK) Ltd, Pennine View, Birstall, Batley, WF17 9NF		
Part change of use of paper/card recycling (B2) facility to incorporate waste transfer station (sui generis) including refuse-derived fuel shredding; installation of canopy; modifications to existing drainage; amendments to WTS building including replacement of 2 doors with rapid action doors; closure of 2 existing doorways and installation of new doorway with rapid action door; amendments to paper/card recycling building including replacement of 1 door with rapid action door		
Date Responded: 23rd April 2024	Responding Officer: RM, MN	Responding Ref: WK/202410922
We have reviewed the application and supporting information and make the following comments and recommendations. Air Quality The proposed development is not within an Air Quality Management Area but is adjacent to the busy A62 Gelderd Road which has been modelled by DEFRA and shown to be a potential road of concern. An Air Quality Assessment by Redmore Environmental (ref:7514r1) (dated: 23rd February 2024) has been submitted in support of the application. The Assessment considers the impact of the development on air quality during the operational phase, due to fugitive dust, fugitive odour and road traffic exhaust emissions. The report concludes that the overall effects as a result of fugitive dust emissions and road traffic exhaust emissions were not predicted to be significant. We have concerns regarding several contradictions relating to predicted vehicle movements generated by the proposed development as follows: • Table 18 page 25 states “off-site transportation is predicted to be between 25 and 200 HDV movements in any one day. • Para 5.4.1 states that “Information provided by the Applicant indicated that the facility is predicted to produce 42 HDV trips per day as an AADT flow” • The Planning Statement by Heaton's (dated: February 2024) states “The proposed development will result in up to an additional 100 two-way HGV movements per day, with an average forecasted figure of 75 two-way HGV movements per day. This figure includes HGV movements associated with the proposed WTS and paper /cardboard recycling.” Clarification is required regarding the total number of HDV movements predicted to be generated by the development. The total number of vehicle movements associated with the development should be considered in any air quality assessment. If this meets the criteria set out in Table 6.2 of the EPUK & IAQM Guidance Planning for Air Quality, then we would expect a detailed Air Quality Impact Assessment to be undertaken and submitted before the application is determined. The assessment shall also consider the congestion characteristics of Gelderd Road which is a consequence of its proximity to a busy motorway junction and heavy customer traffic to the retail parks in the area. We also expect the cumulative impact of other committed developments in the area to be considered as part of		

the assessment.

Due to the points raised above we do not accept the Air Quality Assessment by Redmore Environmental and make no further comment until this has been satisfactory clarified.

Contaminated Land

The site of the proposed development is on land which has been identified as being potentially contaminated due to its former use (our site ref: 60/2) and is also within 250m of an historic landfill site. Therefore, it is necessary for conditions relating to contaminated land.

Noise

The applicant has submitted an Environmental Noise Assessment authored by NVC dated 21 February 2024 Ref R24.0205/DRK. It identifies the nearest noise sensitive receptor being the Pheasant Public House on Gelderd Road which sits within a well-established industrial area. Section 2 describes the proposal and the processes required to operate along with the operating hours.

A background assessment was conducted between Friday the 19th and Monday the 22nd of January 2024 at the position shown on Figure 1. The dominant noise source was road traffic and table 4.2 provides a summary of the findings. Library data for the mobile plant working within the waste transfer building and fixed plant noise sources inside and external to the building and this has been used to inform the noise modelling. The existing construction has been taken into consideration

A BS4142 assessment has been conducted with section 5.4 showing the results of the predictions which indicate a low impact. Section 5.8 looks at the impact of road traffic to the site and in view of the location, no increase in road traffic noise is expected.

Some mitigation measures are recommended (as stated in para 6.4.1) for the construction proposals, hours of use (viii) and management controls including procedures in accordance with the quiet deliveries demonstration scheme (x).

The findings of the report are accepted. A condition is recommended for the operational hours of use. A compliance condition is also recommended for the implementation and retention of the mitigation measures as recommended in section 6.4

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)

It appears from the submitted plans that there will be provision for HGV parking. Approval under the Building Regulations may be required, and the applicant should contact their Building Control Provider for further information in relation to EVCPs and Approved Document S.

Recommendations

We require further information relating to air quality **before the application is determined**.

Subject to satisfactory information being received regarding air quality, and the total number of daily HGV movements to and from the development being approved in writing by the LPA, we would then support the following conditions and advisory being applied to consent granted:

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

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

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) 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 Remediation Strategy approved pursuant to condition (CLC3). In the event that 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 (to be applied to all applications with CL conditions)

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.

NC14 Implement Agreed Noise Mitigation Measures – Condition

The development shall not be brought into use until all of the measures specified in the approved Environmental Noise Assessment authored by NVC dated 21 February 2024 Ref R24.0205/DRK have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

HUC1 Hours of Use - Condition

Operating hours including deliveries to or dispatches from the premises, shall be limited to the following:

Waste Transfer Station/ Refuse Derived Fuel Production/Bulking & Baling

- Monday to Friday 0600 to 1700 hours & Saturday 0600 to 1400 hours

Vehicle times for deliveries/collections/servicing (except glass)

- Monday to Friday 0600 to 1630 hours & Saturday 0600 to 1400 hours

Glass tipping

- Monday to Friday 0700-1700 hours and Saturday 0800- 1400 hours

Glass loading onto Bulker

- Monday to Friday 0900 to 1700 hours

Shredding

- Monday to Friday: 0600-1700 hours & Saturday 0700 to 1400 hours.

No activities shall take place on Sundays or Bank Holidays

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

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 be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.