

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

2024/90880 Bark House Farm Huddersfield Road, Shelley, Huddersfield, HD8 8LJ

Erection of plant and machinery for agricultural slurry tank

Responding Date:
25th April 2024

Responding Officer:
SR

Responding Ref:
WK202411762

Comments

We have reviewed application 2024/90880 and make the following comments and recommendations. The application concerns the erection of a circular concrete slurry tank

Contaminated Land

In support of the application a Coal Mining Risk Assessment (Cmra), titled Erection of New Slurry Storage Tank Bark House Dairy Farm, Huddersfield Road, Shelley, Huddersfield, HD8 8LJ, by Earth Tec, Report Ref: TH/BARK/CMRA/01/Mar2024, dated 25th March 2024 has been submitted. The report contains largely geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. We would advise the planners to seek advice from the Coal Authority and other consultees regarding the geotechnical issues at the site.

The report confirms the coal legacy at the site and summarises on page 17 that the shallowest seams are likely to be top and lower Whinmoor Coal seams which may have been worked.

The nature of the proposed development is non-residential, indeed it is a storage tank only with no space for workers etc, we recommend a watching brief in relation to contamination and or shallow coal, encountered during any groundworks, as the risk of combustion would require further investigation and possible remediation. Therefore, we recommend the following condition.

Noise

No information has been provided in regard to any noise generating mechanical plant serving the proposed slurry tank. Due to the possibility of noise associated with plant for pumping/mixing slurry we recommend a condition in regard to new fixed plant and equipment.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the construction phase of the site.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the

Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment, serving the development, shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time.

“Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.

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.

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 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.