

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90899 Newlay Concrete, Thornhill Works, Calder Road, Ravensthorpe, Dewsbury, WF12 9HY
Erection of concrete batching plant, single storey office block and installation of concrete pad
Date Responded:
7th May 2024
Responding Officer:
RM
Responding Ref:
WK/202411776

We have reviewed the application and supporting information and there appears to be a discrepancy regarding the red line boundary of the proposed development and that regarding the Transpennine Route Upgrade (TRU) proposals, and this has been conveyed to the planning officers. We await to hear further information regarding this matter, in the meantime we make the following comments, however, these may be subject to change if further consultation is required.

Contaminated Land

According to our records the site of the proposed development is on land that has been identified as being potentially contaminated due to its former use (our site reference 49/11). According to the Coal Authority the site is also in a High Development Risk Area with the potential for shallow coal workings and the presence of mine gas. Therefore, contaminated land conditions are required.

Dust

The site of the proposed development is located adjacent to ongoing works associated with the TRU and that of the proposed new Ravensthorpe station. Due to the nature of the development, there is the potential for fugitive dust emissions affecting the amenity of nearby residential properties, and the proposed new platforms. Therefore, we require a robust Dust Management Plan to be submitted. The Plan shall identify all sources of dust generated by the development, and the mitigation measures that are to be implemented to control and monitor fugitive dust emissions.

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.

Drainage - Advisory

The Supporting Statement by MWP Planning (dated March 2024) states that a drainage scheme is being prepared for discharge to soakaway. We have concerns regarding cement dust and silt entering the drainage system. Therefore, a footnote is recommended.

PPF1 Environmental Permitting- Advisory

The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should seek advice from Environmental Health, PO Box 1720, Huddersfield, HD1 9EL, telephone 01484 221000, or email pollution@kirklees.gov.uk.

Recommendations

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). 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.

DMPC Dust Mitigation Management Plan - Condition

Prior to works commencing, a Dust Management Plan 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 dust arising from all construction and operational related activities, which should include measures to monitor and record the emissions of dust during the construction and operational phases. 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 lifetime 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.

Drainage - Footnote

The drainage scheme must comply with the conditions required under the Environmental Permitting (England and Wales) Regulations 2016 and be designed to prevent cement dust and silt from entering the drainage network.

PPF1 Environmental Permitting- Footnote

The plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should seek advice from Environmental Health, PO Box 1720, Huddersfield, HD1 9EL telephone 01484 221000, or email pollution@kirklees.gov.uk

