

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

**2024/90943 217 Barnsley Road, Denby Dale, Huddersfield, HD8 8TS**

**Erection of agricultural building**

**Responding Date:**  
5<sup>th</sup> June 2024

**Responding Officer:**  
SR

**Responding Ref:**  
WK202417470

**Comments**

We have reviewed application 2024/90943 and make the following comments and recommendations. The application concerns the erection of an agricultural building to provide a tractor, implement store, feed storage and animal shelter, on an existing agricultural holding, which is situated circa 25m from the nearest sensitive receptor.

**Contaminated Land**

The site of the proposed building is close to historic mill reservoirs, which may have been infilled and therefore classed as potentially contaminated land and close to former Denby Colliery. In support of the application a Coal Mining Risk Assessment Report by RGS, dated 28/03/2024, ref: C4244/24/E/6486 has been submitted. The report informs that the site is underlaid with shallow coal at an anticipated depth of 25m or lower. The report goes on to attribute a low risk in regard to mine gas.

The application concerns the erection of a new agricultural building which is shown as being open to one full side and partly Yorkshire boarded to the other sides, allowing for good natural ventilation. Groundworks will be necessary; we therefore recommend a condition for unexpected contamination.

We would remind the applicant that any attempt to encapsulate or insulate the building in future would compromise the natural ventilation and may put receptors within the building at risk.

**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 construction hours of operation for the site.

**Recommended Conditions**

**CLC6 Reporting of Unexpected Contamination - Condition**

In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission 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. 183 and 184 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 2021. 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.

#### **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.