

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

**2024/91053 - Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB**

**Demolition of existing concrete plant and installation of replacement concrete plant with associated alterations**

**Responding Date:  
03 June 2024**

**Responding Officers:  
MN, RM, NH**

**Responding Ref:  
WK202414157**

**Comments**

Noise

The applicant has submitted a data sheet from Liebherr detailing the noise immissions (sic). This is rejected and a condition is recommended for the submission of a Noise Impact Assessment to determine the noise emissions from the proposed development and the impact they may have on the amenity of neighbouring properties.

Contaminated Land

Our records indicate the site is on potentially contaminated land (site reference: 42/10, 43/10, 45/10, 47/10, 51/10 and 52/10). A Phase 2 Engineering and Environmental Assessment by CoDa Structures dated 25th November 2019 (ref: 7916 – rev A) has been received 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 aspect of the report.

We note the report provided however no preliminary risk assessment has been received in support of this application.

We expect applicants to follow Land Contamination Risk Management (LCRM) guidance to manage the risks from land contamination. LCRM guidance states that you must always start with a preliminary risk assessment. LCRM guidance also states that reports must provide current site information.

For these reasons, before any groundworks commence, a preliminary risk assessment is necessary. Where potential pollutant linkages are identified, a new intrusive investigation may also be necessary to determine the level of remediation required. This should also address any proposals for the reuse of site-won material and/or imported material. In conclusion, we support the application but recommend contaminated land conditions.

Air Quality/Dust

A Dust Emission Forecast by Liebherr has been submitted in support of the application. The information provided is a technical data sheet providing an overview of the concrete batching process. We do not accept the submitted information and recommend a condition for a Dust Mitigation Plan.

Environmental Permitting

It is likely that the proposed development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016. Therefore, we recommend a footnote relating to Environmental Permitting.

### 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 footnote relating to charging points is recommended.

### Construction

The hours of construction will need to be controlled to protect the amenity of neighbouring properties. A condition is recommended.

### Recommended Conditions

#### **NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition**

Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report 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.

#### **NF4 Competent Person - Footnote**

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

#### **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.

**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 nearby properties by effectively controlling dust arising from demolition and all associated concrete plant related activities, which should include measures to monitor and record the emissions of dust. 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 demolition/construction and operation 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.

#### **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](mailto:pollution@kirklees.gov.uk)

#### **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

#### **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.