

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91760 - Land adj Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN		
Erection of 19 dwellinghouses with associated car parking, landscaping and boundary treatment and other associated works		
Responding Date: 08 August 2024	Responding Officer: SR, NH, MN	Responding Ref: WK/202423646
<u>Comments</u> We have reviewed the application and supporting information and we offer the following comments. Air Quality An Air Quality Assessment by Redmore Environmental (Ref: 7921r1) (dated: 10th June 2024) has been submitted in support of the application. The proposed residential development site is situated on land off Healey Lane, Batley, and is not within an Air Quality Management Area (AQMA) or near to any roads of concern. The report details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance, the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance. <u>Construction Phase</u> For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify all potential sources of dust during the construction phase. The report concludes that the Site is classified as “medium risk” in relation to dust and can be controlled by the implementation of good practice dust control mitigation. These are outlined in Table 14 of the report titled Fugitive Dust Emission Mitigation Measures. <u>Operational Phase</u> A screening assessment was undertaken using the criteria contained within the IAQM 'Land-Use Planning & Development Control: Planning for Air Quality'10 guidance to determine the potential for trips generated by the development to affect local air quality. Monitoring data from Kirklees Councils 2023 Annual Screening Report (ASR), DEFRA's pollution background maps and traffic data from the Department for Transport (DfT)24. The DfT web tool. The baseline traffic data was converted to the site opening year utilising a factor obtained from TEMPro (version 8.0), using a baseline year of 2022 and an opening year of 2026. The report concludes that pollutant concentrations because of the development are not predicted to exceed the national air quality objectives. In line with the West Yorkshire Low Emissions (WYLES) -Technical Planning Guidance the report concludes the proposal was classified as minor. The report goes on to recommend mitigation measures to assist in reducing any potential impacts in relation to air quality. These		

include the provision of EV charging for all dedicated parking and additional chargers for unallocated spaces.

Comment

We agree with the overall methodology and approach of the air quality assessment and concur with the conclusions of the report. We recommend a condition to control dust emissions during the construction phase, this is within the general Construction Environmental Management condition (CEMP). We would expect any future CEMP to clearly identify the link with the fugitive dust controls within the accepted air quality assessment.

EVF1 Electric Vehicle Charging Points – Advisory

- Electric vehicle charging points should be installed in accordance with the provision within the Air Quality Assessment by Redmore Environmental (Ref: 7921r1) (dated: 10th June 2024).
- 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.

Contaminated Land

The application is for a major development with a sensitive end-use. Our records indicate the site is within 250m of historic landfill. For these reasons, contaminated land conditions are necessary for these proposals. The following documents have been submitted in support of the application:

1. Coal Mining Risk Assessment by Patrick Parsons, dated April 2018 (ref: H17075CMRA)
2. Phase 1 Report by Patrick Parsons, dated April 2018 (ref: H17075DTS)
3. Phase 2 Report by Patrick Parsons, dated May 2018 (ref: H17075)
4. Hazardous Gas Risk Assessment by Patrick Parsons, dated 27th July 2018 (ref: ACV/JR/H17075GRA/2018.07.27)

The reports include geotechnical information, which is outside the remit of Environmental Health. Therefore, this consultation response only relates to the land contamination aspects of the reports.

We have previously reviewed these reports as part of application no. 2022/93499. We accept the Coal Mining Risk Assessment by Patrick Parsons, dated April 2018 (ref: H17075CMRA) and Phase 1 Report by Patrick Parsons, dated April 2018 (ref: H17075DTS). Regarding the investigation undertaken, the reports are out of date, it is plausible that the site conditions and surrounding area have changed since the reports were authored. This may alter the risk assessments undertaken (e.g. the introduction of potentially contaminative land uses nearby and/or fly tipping, burning of wastes on site etc). A new site walkover and Phase II investigation are required to confirm the validity of the previous Phase II reports. Furthermore, additional work and soil testing is recommended in the reports. Notwithstanding, we have no objections to the application subject to the necessary contaminated land conditions and

footnote being applied to any permission granted.

Noise

The applicant has submitted a Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02. It describes the proposal and considers the neighbouring acoustic environment.

A background noise level survey was undertaken between 1401hrs on Monday the 22nd of April and 1500hrs on Tuesday the 23rd of April 2024 from 2 measurement positions (MPs) as shown in figure 3. A summary of the measured levels is given in table 4 with the report stating the local noise climate was dominated by traffic noise from West Park Road during the day and nighttime periods and lesser so from Healey Lane. To the east of site there were periods of noise from the playground associated with Healey Junior Infant and Nursery School.

Based upon typical room dimensions, modelling has been used and the calculated levels are shown in figure 4. A glazing scheme is recommended based upon the relevant façade as shown in figure 5 and a specification is given for relevant plots in table 6. Ventilators are also specified in table 8. The report states this specification will ensure the internal requirements of BS8233 will be met as will the nighttime L_{max} criteria.

Based on a partially open window, noise levels within bedrooms are predicted to exceed those within Approved Document O and as such, an alternative means of ventilation is recommended at all Plots except no. 4 and 5. Although this aspect is outside of the remit of Environmental Health, it is imperative any mechanical ventilation does not exceed the internal requirements of BS8233.

The modelling assumes perimeter fencing is to be installed as per the specification in para 6.4. which would ensure the external amenity areas meet with BS8233. Whilst they are at the upper end, they are accepted.

The findings of the report are accepted. Conditions are recommended to secure the mitigation measures in the interests of protecting amenity.

Construction Environmental Management Plan

The site is classed as a Major and thus a condition for the submission of a Construction Environmental Management Plan detailing the measures to be taken to protect the amenity of neighbouring properties is recommended.

Electric Vehicle Charging Points – Advisory

We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

Recommended Conditions

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

Groundworks (other than those required for a site investigation report) shall not commence until a supplementary 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

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.

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

BC1 Acoustic Barrier - Condition

Before the development is brought into use, details of an acoustic barrier as recommended in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing a Construction Environmental Management Plan (CEMP) 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:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction, in accordance with Table 14 of the Air Quality Assessment by Redmore Environmental (Ref: 7921r1) (dated: 10th June 2024)
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction 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.

CEMPF Construction Environmental Management Plan - Footnote

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2014 provides detailed information regarding dust control.

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 – Footnote

- 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.
- Approval of EVCPs 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.