Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91998 - former Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ		
Erection of special educational needs and disabilities school (Use Class F1), comprising educational buildings, roof mounted photo-voltaic panels, sensory garden spaces, multi-use games areas, landscaping, hardstanding areas, carparking, access with secure fencing and associated ancillary development		
Responding Date: **27th August 2024**	**Responding Officer:** **MN, SR and NH**	**Responding Ref:** **WK/202423851**

Air Quality

An Air Quality Assessment by BWB Consulting Limited, dated July 2024, ref: 221770, has been submitted in support of the application. The proposed educational development site is located to the south of Fernside Avenue in Almondbury, Huddersfield, 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 Tables 4.5 & 4.6 of the report titled Table 4.5: Mitigation Measures for a Medium Risk Site.

<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.

Impact screening assessment: The trip generation for the proposed development was screened using IAQM and EPUK Stage 1 and Stage 2 criteria.

The predicted trip generation (data supplied by BWB Consulting, the Transport Consultants for the project), for the proposed development is 406 two-way LDVs, of which 92 are educational minibus movements. Additionally, no HDVs are predicted as a result of the proposed development. The predicted trip generation is below the IAQM and EPUK guidance17 screening criteria of 500 LDVs and 100 HDVs for developments outside of an AQMA, as a 24-hour AADT flow. Therefore, the impact on local air quality from additional trips associated with the proposed development is predicted to be not significant in accordance

with IAQM and EPUK guidance17 and no detailed assessment is required.

A qualitative assessment was undertaken to consider the potential exposure of the future users of the proposed development to elevated air pollutant concentrations. Kirklees data from Annual Screening Report (ASR), has been presented using year 2022 at the closest monitoring point (K52 Penistone Road), as representative. This monitoring location is considered a worst case scenario as the DEFRA road figures at this point (Penistone Road), are considered significantly higher than the site of the development.
The report concludes that pollutant concentrations because of the development are not predicted to exceed the national air quality objectives. The assessment demonstrates that concentrations on site will be below the current annual mean objective.

In line with the West Yorkshire Low Emissions (WYLES) -Technical Planning Guidance the report concludes the proposal was classified as medium. The report goes on to recommend mitigation measures to assist in reducing any potential impacts in relation to air quality, these include 10% of parking spaces are to be Electric Vehicle (EV) charging spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. EV parking will be included in the proposed development and meets the initial 5% provision required.

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.

In regard to electric vehicle charging, we recommend a condition to secure EVCP's in accordance with the provision identified within the Air Quality Assessment by BWB Consulting Limited, dated July 2024, ref: 221770, Section 5.19.

Contaminated Land
The following documents have been provided in support of the application:

1. Phase 1: Preliminary Risk Assessment authored by LK Consult (dated, Feb 2023 ref: LKC 22 1679-A1-PRA)
2. Ground Investigation Report authored by a LK Consult (dated 31st March 2023, ref: LKC 22 1679-B1-GI)
3. Ground Investigation Report authored by BWB (dated July 2024, ref: 22315-BWB-ZZ-XX-RP-G-0002_GIR)
4. Remediation Strategy Report authored by BWB (dated July 2024, ref: 22315-BWB-EGT-XX-RP-LE-0003_RS)

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

The Phase I report appraises the environmental setting information and former uses of the site and surrounding area. Former uses of the site included Agricultural Fields (1854-1956),

possible ammunition stores or accommodation (1948-1961), an Anti-Aircraft Battery (1958-1965), and Almondbury High School (1975-present). A site reconnaissance on 6th January 2023 found no visual or olfactory evidence of contamination. LK Consult identified several potential contamination sources detailed in Section 5 of the report and the report concludes that a Phase 2 investigation is undertaken.

In 25th to 28th March 2023, LK consult undertook an intrusive investigation that included 27 window sample boreholes, 2 mechanically dug trial pits, and 6 hand-dug trial pits, and chemical analysis of the soil samples. The investigation also involved 2 groundwater monitoring visits and several targeted and general sampling locations.

Made ground was noted in all location and anthropogenic material was encountered. Notably, no elevated PID readings were detected. Other key findings include voids of unknown depth and confirmation of localised benzo(a)pyrene contamination and asbestos contamination. The report recommends further work post-demolition and pre-construction.

The BWB ground investigation report details the findings of works undertaken in February and March 2024. Targeted sampling was undertaken at WS113 in a sample at 0.2-0.4m where asbestos fibres were found (DS201 to DS203). An additional trial pit was excavated at TP204 to assess the elevated PAH at WS108. Several samples were collected from the exploratory hole locations for chemical analysis.

No visual or olfactory contamination was observed during the investigation. No exceedances for heavy metals, cyanides, PAHs or TPHs when compared to the screening criteria were detected. No asbestos was detected. Two elevated samples of PAHs (benzo(a)pyrene) at TP202 (0.5m) with 0.85mg/kg and TP204 (1.0m) with 0.66mg/kg were reported. No coal tar was found in three tarmac samples.

The remediation strategy outlines the proposed approach. Areas covered by buildings, hardstanding, pavements, and car parks are deemed sufficient to break potential pollutant linkages, mitigating risks to site end users. In soft landscaping areas, BWB proposes a clean cover system, including a minimum of 400mm of chemically certified clean topsoil and subsoil. Bulk fill material will also be required to raise site levels. All imported soil materials intended for amenity landscaping must comply with YALPAG guidance and the necessary British Standards. Verification proposals have also been provided in the report.

We accept the information provided and recommend the following contaminated land conditions and footnote be applied to any consent granted. We expect the supplementary report to detail the findings of the post-demolition investigation and update the conceptual site model in accordance with good practice guidance. Other conditions are recommended for remediation of the site.

Noise

A Noise Impact Assessment has been submitted authored by Apex Acoustics dated 09 July 2024 Ref 11062.3. It principally covers the use of the Multi Use Games Areas (MUGAs) which are shown on the site plan in figure 2 and as the details for the fixed mechanical plant were unavailable, offers upper plant noise limits.

A background noise survey was conducted between the 11th to the 14th of March 2024 from a single measurement position as shown in figure 3. A summary of a 24hr monitoring period is given in table 6.

Using the figure of 58dB $L_{Aeq(1\ hour)}$ at a distance of 10m from the sideline halfway marking within the Sport England Guidance document - Artificial Grass Pitch (AGP) Acoustics, modelling has been conducted with the resultant noise contours shown in figure 4. The resultant figures meet with the Desirable daytime criteria of ≤ 50dB $L_{Aeq,1hr}$ which is accepted. We note no hours of use of proposed but para 3.44 states the MUGAs may be available for use during evenings and weekends. A condition is recommended to control the hours of use in the interests of protecting amenity.

Para 8.4 recommends that the measures outlined in the Sports England Design Guidance Note, Reference 6, to control sound from ball impacts are implemented and a condition is recommended to secure compliance with this construction methodology in the interests of protecting amenity.

Para 8.5 recommends where the MUGAs are intended to be used by community groups during the evenings and weekends, a noise management plan is implemented and a condition is recommended for the submission of a Noise Management Plan to include all of the measures the applicant will take in the interests of protecting amenity.

Section 9 looks at the fixed mechanical plant and as stated previously, the detail was unknown at the time of writing. As such, based upon the measured levels as shown in table 6, upper limits for both daytime and nightime are given in table 7. A condition is recommended to secure compliance in the interests of protecting amenity.

Lighting
An External Lighting Assessment has been submitted authored by Anderson Green dated 09 July 2024 Ref 22315-AGL-ZZ-XX-T-E-0004 Rev P02. Comment is made within it to a 'Play Area' referencing Drawing No. 22315-AGL-24-XX-D-E-0001 from Anderson Green dated 03 June 2024 but no specific reference is made to any lighting for the MUGAs. Lighting has the potential to affect the amenity of neighbouring properties, particularly from the use of the MUGAs and so a recommendation is made for a further/addendum lighting scheme to be submitted to address this aspect of the application. A condition is also recommended for the hours of use for the lighting in accordance with the hours of use for the MUGAs with a 15min start up and 15min shut down time period each day.

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. The submitted EVCP Provision Plan from ares Landscape architect dated 17 June 2024 Ref 22315-ALA-00-XX-DR-L-0033 shows 9no. standard spaces and 2no. minibus bays. A condition securing these charging points is therefore necessary.

Construction Environmental Management Plan (CEMP)

The site is classed as a major and there is potential for loss of amenity to the occupiers of neighbouring properties through the construction of the proposed development site. A condition is recommended for the submission of a CEMP to address all potential issues.

Drainage at Food Premises
Due to the type of application proposed, it is possible that fats, oils, and grease enter the drainage network. Should these build up, they may block the sewerage system. Consequently, blockages can lead to the leakage of foul sewage or the internal flooding of properties or of neighbouring areas. For that reason, a condition is required in relation to the prevention of these substances in the drainage network.

Recommended Conditions

CLC2 Submission of a Supplementary Phase 2 Intrusive Site Investigation Report - Condition
Following demolition, no 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.

HUC1 Hours of Use - Condition
The MUGAs shall not be open used outside the hours of:

- 0800hrs to 2000hrs Monday to Friday
- 0800hrs to 1800hrs Saturdays
- 1000hrs to 1600hrs Sundays or Bank Holidays

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

SP1 Noise Management Plan (Multi-Use Games Pitches)– Condition
Before the use of the pitch commences, a site-specific Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- a method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the pitch and

ban their future use.

- a facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt, and appropriate action taken promptly, and the complainant kept informed of progress.
- a system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the pitches.
- a log of complaints which should be retained for at least a period of two years.

The approved Noise Management Plan shall be fully implemented before the use of the pitch commences and shall be operated in accordance with the Noise Management Plan thereafter.
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.

SP2 Ball Impact Sound Mitigation - Condition
All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.
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.

NC10 Noise from Fixed Plant & Equipment - Condition
The combined noise from any fixed mechanical services and external plant and equipment 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.

LC1 External Artificial Lighting - Condition
Before the installation of external artificial lighting commences, a lighting scheme for the MUGAs shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The location of all the luminaires
b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
c) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
d) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LC2 Lighting Hours of Use – Condition
The artificial lighting hereby approved shall only be operated between -

- 0745hrs to 2015hrs Monday to Friday
- 0745hrs to 1815hrs Saturdays
- 1015hrs to 1615hrs Sundays or Bank Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan

LF1 Artificial lighting - Footnote
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Note 01/21 for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone - E3.

EVC2 Installation of Agreed Electric Vehicle Charging Points – Condition
Before the development is brought into use, the dedicated facilities that will be provided for charging electric vehicles shall be installed and made operational in accordance with those detailed in the submitted EVCP Provision Plan from ares Landscape architect dated 17 June 2024 Ref 22315-ALA-00-XX-DR-L-0033. Once installed the charging points shall be retained for use thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote
A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

The electrical supply of the final installation should allow the charging equipment to operate at

full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

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
- 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 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
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.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *"Guidance on the assessment of dust from demolition and construction"* Version 2.2 2024.

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.

DR08 Pollution Prevention (for food outlets including take-aways/restaurants)
Development shall not commence until a scheme to prevent fats, oils, and grease entering the

drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with LP44 of the Local Plan and paragraph 120 of the NPPF

FS1 Food Safety - Footnote
It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk