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| Consultation Response from: KC Environmental Health (Pollution & Noise Control) | | |
| 2024/92031 - Headlands Works, Headlands Road, Liversedge, WF15 7NT | | |
| Outline application for erection of residential development, adoptable road and public open space | | |
| Responding Date: 14 August 2024 | Responding Officer: Mohammed Nasim | Responding Ref: WK202423650 |
| <p><u>Comments</u> The application is for a development of 23 houses and associated infrastructure. We have reviewed the submitted information and make the following comments.</p> <p><u>Noise</u> The applicant has submitted a Noise Impact Assessment authored by ENS dated 05 June 2024 Ref NIA-11467-24-11689 v1 Headlands Road, Liversedge. Para 1.2 describes the site and the proposal along with identifying the neighbouring environment and potential sources of noise including road traffic, Highgrove Beds and Spen Valley High School playing fields.</p> <p>Noise monitoring was carried out on Wednesday the 24th of April through to Thursday the 25th of April 2024 from 4 monitoring positions as shown in Appendix 2. A summary of the findings is given in table 3.1. Comment is made that the ambient noise climate at the site is predominantly due to vehicles along Headlands Road and the surrounding road network.</p> <p>Based upon the measured levels and to meet with the internal requirements of BS8233, a scheme of sound attenuation is given in para 4.2 dependent upon plot numbers. This includes glazing, trickle vents, acoustic wall vents and MVHR systems and a colour coded guide is given in Appendix 3. The report states any ceilings (and side cheeks to the dormer windows) in any room-in-roof bedrooms requiring enhanced glazing should be double boarded, with 100 mm (minimum) mineral wool insulation above. The glazing requirements are also applicable to 'Velux' windows. An upper noise limit is also given where mechanical ventilation is installed in living rooms and bedrooms.</p> <p>The external amenity areas to plots 1 and 7-10 will require mitigation and a specification is given for a 2m high solid timber fence as shown in para 4.3. The location of the fence is shown in Appendix 3.</p> <p>Whilst the submitted information states the dominant source was road traffic, no comment is made to any noted noise, or lack of, from Highgrove Beds or Spen Valley School or any other source. We ask that specific comment is made on this either way to ensure there is no oversight to any potential sources of noise affecting the amenity of the occupiers of the development. A condition is likely to be recommended to secure the mitigation measures proposed and may include additional measures dependent upon receipt of this information.</p> <p><u>Contaminated Land</u> A Phase 1 Geoenvironmental Risk Assessment, Coal Mining Risk Assessment and Flood Risk Assessment report, authored by MDJA dated February 2024 (ref: 4360) has been received in support of the application. The report includes geotechnical information, which is</p> | | |

outside the remit of Environmental Health. Therefore, this consultation response only relates to the land contamination aspects of the report.

We have reviewed the report, which provides a preliminary risk assessment, including a desk study, site walkover, site history appraisal, environmental setting information, and a preliminary conceptual site model. A site walkover was conducted by the consultants on 12th February 2024. Numerous piles of bagged waste materials, old IBCs, and plastic drums were observed by MDJA. The site's former uses include a coal pit and an engineering works, though little is known about the specific past processes carried out at the site.

Regarding ground conditions, deep workings have been recorded beneath the site, and a coal seam outcrops through the area. The coal risk assessment also indicates probable shallow coal workings beneath the site and there is a former mine shaft on-site, with another noted 5 metres beyond the boundary. MDJA note that it is unclear whether these shafts have been infilled or capped.

The conceptual site model presented indicates several potential pollutant linkages exist, and on that basis, MDJA recommend an intrusive investigation to assess potential contamination risks. We accept the report provided and make the following recommendations.

Construction Environmental Management Plan

The site is classed as a major development and measures will need to be put in place to address the potential for loss of amenity through the construction of the proposed development. A condition is recommended for the submission of a site specific Construction Environmental Management Plan which should detail all of the measures the applicant will take to ensure there is no loss of amenity to neighbouring properties.

Recommended Conditions

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

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. 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.

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.