

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/92168 Land south of, Leak Hall Barn, off Leak Hall Lane, Denby Dale, Huddersfield, HD8 8QU
Outline application for erection of residential development of 13 dwellings
Responding Date:
24th September 2024
Responding Officer:
SR
Responding Ref:
WK202429964
Comments
Contaminated Land

Following our earlier comments dated the 4th of September 2024, the Coal Authority have issued a response and an updated Phase 1 Report by Rogers Geotechnical Services Ltd, dated September 2024, (Ref: C3999/23/E/6054_Rev1) has been submitted. The Phase 1 report contains geotechnical information, which is beyond the remit of Environmental Health, this response relates to contaminated land only.

Section 4 of the Phase 1 Report provides clarification in relation to the topography of the site informing “ *that it is unlikely that there is potential for shallow mine workings to be present beneath the proposed development. Furthermore, the coal seams identified which appear to have been worked in the adjacent fields are projected to be above the sites ground level due to the dip of the strata hence are not expected to be present beneath the site The Consultants Coal Mining Report has not reported any incidents of mine gas within the vicinity of the development also. In addition, nearby recorded mine shafts are noted to be present, however, a depression is present between the recorded mine shafts and the site boundary. This means that any gas from the mine shafts will vent through the hillside and to atmosphere before affecting the site. As such, a low risk rating has been assigned.*”

The Coal Authority response accepts the information provided and has not recommended any further precautionary measures.

Having considered the additional information, we accept the updated report. We would remind the applicant that section 5 of the report recommends a geotechnical investigation, should any evidence of contamination become evident or organic made ground be revealed during ground works, all works must stop and we therefore recommend a condition in relation to unexpected contamination.

Construction Environmental Management Plan

Because there are a number of new houses proposed and the close proximity of residential properties to the part of the site boundary there is potential for loss of amenity to the occupiers of nearby properties from noise, dust and artificial light from the construction phase of the development. Therefore, it will be necessary for a condition requiring a Construction Environmental Management Plan (CEMP).

Electric Vehicle Charging Points

We would remind the applicant that approval under the Building Regulations may be required for the EVCP's, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Recommended Conditions

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings 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. 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 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.

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.