

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/90708 - Land at Merchant Fields Farm, off Hunsworth Lane, Cleckheaton

Discharge of details reserved by conditions 3 (Construction (Environmental) Management Plan), 6 (Temporary surface water management details), 8 (Proposed internal adoptable roads), 9 (Permanent site entrance details), 16 (Surface water attenuation details), 17 (Details of Swale/ditch management), 19 (Phase II Site Investigation details), 20 (Remediation Strategy), 25 (Noise Impact Assessment), 30 (Arboricultural Method Statement/ Tree Protection Plan), 34 (Biodiversity Gain Plan) of permission 2024/91260 for Variation of conditions 2 (plans and specifications) and 35 (removal of permitted development rights) on previous permission 2021/92801 for erection of 291 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive – revisions to house types, unit size mix and layout

Responding Date:
 14th May 2025

Responding Officer:
 SR, MN and NH

Responding Ref:
 WK/202509959

Comments

Note – These comments relate to Conditions 3 (Construction (Environmental) Management Plan), 19 (Phase II Site Investigation details), 20 (Remediation Strategy) and 25 (Noise Impact Assessment) ONLY

Condition 3 (Construction (Environmental) Management Plan)

This response is in relation to the elements of Condition 3 which are within the remit of Environmental Health; namely, construction related fugitive dust, noise and vibration from construction activities and stray light and glare from artificial lighting used on site.

In support of the discharge of condition 3 an undated Construction Environmental Management Plan by Harron Homes has been submitted. The plan informs the site will operate for approximately 6 years, the Site Manager is designated the responsible person for monitoring implementation of the controls and dealing with complaints.

Site operating times of “7am and 7pm Monday to Friday and 7am to 1pm on Saturday. Work on Sundays and Bank Holidays will only be carried in an emergency or exceptional circumstances”, have been proposed. These are not in line with Kirklees standard hours (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.), This requires review.

The applicant is reminded that any noise producing works outside standard operating time may require an application under S61 of The Control of Pollution Act 1974. Contact Environmental Health for advice.

Construction Related Noise

Section 6.1.1 describes “*disruption due to construction has a localised impact and is temporary in nature.*” We do not consider such a large construction site that is to be ongoing for 6 years temporary in nature, it devalues the impact over time on existing occupiers and

demonstrates poor company values when training site staff.

6.1.3 identifies that Best Practicable Means (BPM) as defined in Section 72 of the Control of Pollution Act 1974 will be applied to site. Whilst the rest of Section 6.1 does offer some mitigation controls it fails to refer to BS 5228 parts 1&2. We would expect to see plans within the CEMP demonstrating the location of the nearest sensitive receptors to site and any monitoring locations for noise and or vibration monitoring identified.

Construction Related Fugitive Dust

Section 6.2 lists the mitigation that will be employed on site to minimise construction related fugitive dust. We would remind the applicant that all the controls within the Table 16 Fugitive Dust Emission Mitigation Measures, of the submitted Air Quality Assessment by Redmore Environmental, dated the 23rd of January 2025, must be adhered to.

Table 16 Fugitive Dust Emission Mitigation Measures

Issue	Control Measure
Communications	<ul style="list-style-type: none"> • Develop and implement a stakeholder communications plan that includes community engagement before work commences on site • Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager • Display the head or regional office contact information
Site management	<ul style="list-style-type: none"> • Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken • Make the complaints log available to the LA upon request • Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the log book
Monitoring	<ul style="list-style-type: none"> • Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked • Carry out regular site inspections, record inspection results, and make an inspection log available to the LA upon request • Increase the frequency of site inspections when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions
Site preparation	<ul style="list-style-type: none"> • Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible • Erect solid screens or barriers around dusty activities or the site • Fully enclose site or specific operations where there is a high potential for dust production and they are active for an extensive period • Avoid site runoff of water or mud • Keep site fencing, barriers and scaffolding clean using wet methods • Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used • Cover, seed or fence stockpiles to prevent wind whipping

Guidance on the Assessment of Dust from Demolition and Construction V2.2, IAQM, 2024.

Issue	Control Measure
Operating vehicle/machinery and sustainable travel	<ul style="list-style-type: none"> • Ensure all vehicles switch off engines when stationary - no idling vehicles • Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable • Impose and signpost a maximum speed limit of 15mph on surfaced and 10mph on unsurfaced haul roads and work areas
Operations	<ul style="list-style-type: none"> • Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques • Ensure an adequate water supply on the site for effective dust suppression, using non-potable water where possible and appropriate • Use enclosed chutes and conveyors and covered skips • Minimise drop heights and use fine water sprays wherever appropriate • Ensure equipment is available to clean any dry spillages
Waste management	<ul style="list-style-type: none"> • Avoid bonfires or burning of waste materials
Earthworks	<ul style="list-style-type: none"> • Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable • Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable • Only remove the cover in small areas during work and not all at once
Construction	<ul style="list-style-type: none"> • Avoid scabbling (roughening of concrete surfaces) if possible • Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out • Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery
Trackout	<ul style="list-style-type: none"> • Use water-assisted dust sweeper on access and local roads, if required • Avoid dry sweeping of large areas • Ensure vehicles entering and leaving site are covered to prevent escape of materials • Implement a wheel washing system, if required • Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exist, wherever size and layout permits • Access gates to be located at least 10m from receptors where possible

Construction Related Artificial Lighting

We are unable to find any controls in relation to onsite artificial lighting. If no external lighting during construction is to be installed/used then we seek clarity on this. If any security lighting or lighting towers/other types of lighting to be used externally during construction we require details of how light spill and glare will be minimised to nearby sensitive receptors.

Whilst we accept certain elements of the plan, we have listed areas that require improvement and therefore make the following recommendation.

Informative: The applicant is reminded that 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 Section 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.

Condition 19 (Phase II Site Investigation details)

The following documents authored by Lithos have been received in support of the application to discharge Condition 19:

1. Geoenvironmental Appraisal (July 2019, 2828/1A)
2. Merchant Fields - preliminary findings (no date or reference)
3. A Gas risk assessment (no date or reference)

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.

Environmental Health previously reviewed the Geoenvironmental Appraisal (April 2019, Report 2828/1) as part of our consultation response to the original planning permission. The revised appraisal (July 2019, Report 2828/1A) provides an updated assessment of contamination at the development site.

The intrusive investigation comprised trial pits, rotary open boreholes, and shallow probeholes installed for groundwater monitoring. Several soil and groundwater samples were analysed for potential contaminants. Analysis results indicate that multiple samples exceeded trigger concentrations for a residential end-use scenario with gardens. Common contaminants detected included arsenic, copper, lead, and zinc, predominantly within Granular Made Ground and Burnt Material samples. Three topsoil samples showed slightly elevated arsenic concentrations; however statistical analysis confirmed that these levels were not significant. Based on this assessment, Lithos considers the topsoil material chemically suitable for reuse. Statistical analysis was not undertaken for the granular made ground samples due to the limited quantity of material.

Additionally, calorific value testing of the two granular made ground samples were undertaken and Lithos reported an average value of 6.8 MJ/kg. No asbestos fibres were identified in any of the 21 screened samples. Additionally, no areas of significant organic (hydrocarbon) contamination were identified. At the time of reporting, gas monitoring was still underway. The appraisal concludes that potential pollutant linkages exist at the site and remediation is considered necessary.

The preliminary findings report summarised the findings to date.

The Gas Risk Assessment provides supplementary information to the geoenvironmental appraisal findings. Gas monitoring, conducted at 19 standpipes over six months (April - October 2019), detected no methane. Carbon dioxide concentrations peaked at 6.9% v/v, with a maximum flow rate of 48.9 l/h. However, Lithos does not consider this flow rate value representative of the site-wide flow rate, as similar readings were not observed in other boreholes or during subsequent monitoring of PH19A.

To determine a gas screening value, Lithos applied the maximum flow rate of 3.2 l/h, placing the site within Characteristic Situation 2, indicating that gas protection measures are required for residential properties.

We have reviewed the three reports provided and accept them in support of the application to discharge Condition 19. We consider them to fulfil the requirements of Condition 19 and for this reason, we recommend that Condition 19 is discharged.

Condition 20 (Remediation Strategy)

A Remediation Method Statement by Vertase FLI (23/12/2021, 1874HAR RMS Rev A) has been received in support of the application to discharge Condition 20. 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.

Metal and metalloid contamination found within the made ground in the far east of the site. Elevated metals were also found in isolated areas of burnt material observed at the site surface. To address this, Vertase FLI have proposed the contaminated made ground is excavated and relocated beneath the public open space in the east of the site, with capping of the made ground. The proposed capping depth is 300mm of clean soil. They also advise that should made ground be removed from garden areas and clean natural subsoil be exposed, the full capping thickness is not required and only soil thick enough to provide a plant growing medium. Likewise, if made ground is retained in garden areas, it must either be capped with clean soil to the required depth (600 mm rear, 300 mm front), or be removed to expose clean subsoil, in which case only a planting layer is needed.

Soil levels will be made up with site-won material or imported materials. The document confirms that previous testing has demonstrated that the topsoil on site is suitable for use. The report suggests that site won subsoils must not include any visual or olfactory evidence of contamination but does not mandate additional chemical testing. Vertase FLI also advise Imported soils may be used if site-won materials are insufficient, but they must come from certified sources and meet strict chemical testing criteria in accordance with YALPAG guidance.

The verification proposals in the report include several key measures to ensure the remediation works are completed to specification. These include recording topographic levels before and after the placement of capping layers in gardens and landscaped areas, supported by photographic evidence to demonstrate compliance. Vertase FLI advise that imported soils must be validated through chemical testing in accordance with YALPAG guidance, and haulage tickets must be retained to confirm their source and volume. Upon completion of the works, a Remediation Verification Report will be prepared, detailing all remediation activities, including any unexpected contamination, soil testing results, and confirmation that the remediation objectives have been achieved.

Comments

We have reviewed the Remediation Method Statement by Vertase FLI (23/12/2021, 1874HAR RMS Rev A) but we do not accept the report in support of the application to discharge Condition 20 and consider that a revised remediation strategy is required. This is due to

several points that are either missing or unclear in the current submission, as outlined below:

- The proposals appear to assume use in the front and rear gardens as evidenced in the different depths of cover that have been proposed. For developments involving sensitive end uses, we expect consistent cover depths across all garden areas.
- The Lithos investigation identified potentially combustible material through calorific value testing of two samples of granular made ground. However, the remediation proposals do not adequately address the associated combustion risks. If materials capable of combustion are present, particularly in proximity to potential heat sources such as buried services then this must be considered in the design of the cover system. This issue needs to be revisited and addressed comprehensively across all proposed cover systems, including those for gardens and Public Open Space.

For these reasons, we recommend that Condition 20 remain until further notice.

Condition 25 (Noise Impact Assessment)

The applicant has submitted a Noise Survey & Impact Assessment authored by MZA Acoustics dated 12 December 2024 Ref 1701143. It identifies the neighbouring environment and sources of noise as local road traffic noise from Hunsworth Lane and Whitehall Road West (A58), commercial/industrial noise from units to the west and more distant road traffic from the M62 approximately 700m to the north and west.

An environmental noise survey was conducted between the 23rd and the 25th of October 2024 from two measurement positions as shown in figure 4 with a summary of the results given in table 4. Comment is made in para 4.5 that the subjective noise climate was dominated by road traffic from the M62/A638 with some fan noise and a high pitched intermittent noise lasting for a few seconds every 2-3 minutes audible on Hunsworth Lane overlooking the Flexitallic site in the evening when noise levels had fallen. It is believed Flexitallic operate 24hrs a day.

Noise modelling has been used to determine the extent of any mitigation required due to the identified noise and a number of measures have been identified. These have been summarised in the conclusions and recommendation chapter as following –

- Bedrooms of dwellings identified in blue in Figure 9 would exceed the internal noise criteria outlined in Approved Document O with open windows. Therefore, these dwellings will be provided with an alternative means of ventilation via a purge fan in line with Harron Homes standard designs.
- Habitable rooms identified in orange in Figure 13 also require an alternative means of ventilation to habitable rooms in order to protect against noise from the commercial units. Again, Harron Homes propose purge fans to meet this requirement.
- Plots 119, 224, 193, 181 and 166 require acoustic protection from the boundary garden fencing.

The report has considered the noises from the commercial uses in detail and whilst deemed to be audible, the mitigation measures proposed will ensure the development site meets with the internal and external requirements of BS8233.

The findings of the report are accepted.

Recommendations

Condition 3 (Construction (Environmental) Management Plan)

For the reasons listed above we do not accept the undated Construction Environmental Management Plan by Harron Homes. We recommend the Condition 3 remains.

Condition 19 (Phase II Site Investigation details)

The following reports authored by Lithos have been reviewed and are accepted in support of the application to discharge Condition 19:

- (1) Geoenvironmental Appraisal (July 2019, 2828/1A)
- (2) Merchant Fields - preliminary findings (no date or reference)
- (3) A Gas risk assessment (no date or reference)

We have received sufficient information to recommend the discharge of Condition 19.

Condition 20 (Remediation Strategy)

We have reviewed the Remediation Method Statement by Vertase FLI (23/12/2021, 1874HAR RMS Rev A) but we do not accept the report in support of the application to discharge Condition 20 and consider that a revised remediation strategy is required. This is due to several points that are either missing or unclear in the current submission. For these reasons, we recommend that Condition 20 remain until further notice.

Condition 25 (Noise Impact Assessment)

The findings of the report are accepted. However, we recommend the condition is not discharged until all of the mitigation measures recommended within the Noise Survey & Impact Assessment authored by MZA Acoustics dated 12 December 2024 Ref 1701143 have been implemented and retained thereafter.