

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/91531 - Land off Leeds Road, Heckmondwike, WF16 9DB
Demolition of existing semi-detached houses and associated buildings, and construction of 51 dwellings, including associated access and other associated works
Responding Date:
27th August 2025
Responding Officer:
SR & MN
Responding Ref:
WK202524579
Comments
Contaminated Land

In support of the application the following documents have been submitted:

- Combined Stage 1/Stage 2 Geo-Environmental Report ref: ORH/25r1 by ARP Geotechnical Ltd, dated the 18th of November 2024 has been submitted.
- Method Statement for Assessment of Imported Soils by ARP Geotechnical Ltd

The reports contain geotechnical information which is beyond the remit of Environmental Health. This consultation response therefore only relates to the land contamination aspects of the reports. We have reviewed the report and make the following comments and recommendations.

Stage 1 Report

A site walk over was undertaken on the 17th and 22nd of October 2024 and the site is described as four undeveloped grassed agricultural fields. Other vegetation (bushes and trees) is limited mainly to the southern and western boundaries. The fields are separated by post and wire fences.

A smaller area of the site comprises the buildings, gardens and outbuildings associated with two semi-detached dwellings in the southeastern corner of the site. The report author confirms this area was inaccessible at the time of the investigation.

The site history and environmental setting since 1854 have been listed with the site described as fields until the building of the houses 1932 with offsite coal pits.

Geological maps demonstrate the site to be underlain by undifferentiated strata (mudstones, siltstones and minor sandstones) of the Pennine Lower Coal Measures of the Carboniferous Period. A summary of the Coal Mining Risk Assessment Desk Study (CMRA) carried out by ARP (reference ORH/25/JRjcl1, dated 7th November 2024), is presented, informing possible worked shallow coal and mine entries/faults/outcrops require further investigation.

Potentially contaminative sources identified are listed as: -

- Possible made ground (most likely on the south, least likely further north): – metals inorganics, total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAH), phenol, asbestos.
- Possible asbestos within existing buildings on the southern margins of the site.
- Possible harmful gases from coal/workings: - methane, carbon dioxide.

A preliminary conceptual site model is presented it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

We accept the report.

Intrusive Investigation

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.

Fieldworks were undertaken on the 17th and 22nd of October 2024 consisting of 10No. trial pits (TP1 to TP10) and 6No. boreholes (WS1 to WS6), to depths of between 1.4m and 3.0m. Gas monitoring wells were installed at locations WS1, WS5 and WS6. The locations of the intrusive investigations are shown in Appendix J.

Data obtained during the intrusive investigation indicate made ground was encountered in WS1, comprising made ground topsoil to 0.2m depth including gravel of sandstone and brick, overlying clay to 0.4m depth which contained gravel of brick, coal and sandstone. At all remaining locations, natural topsoil was present at the surface, to depths of between 0.2m and 0.3m. The made ground and topsoil were found to be underlain by slightly gravelly clays, with the gravel usually of mudstone and rare coal. In all but WS1 and WS3, the clay was soft in the upper 0.2m to 0.3m thickness (to depths of between 0.5m and 0.6m). Below this, the clays were generally firm and stiff, with an increasing granular content of mudstone with increasing depth, including cobbles, typical of in situ weathering of Coal Measures strata. In TP8, the clay continued to be soft to a depth of 1.4m. From depths of between 1.0m and 1.9m, the clays transitioned to generally clayey sandy gravel with moderate cobble content. The granular content comprised mudstone, generally subangular. In WS1 (only), coal was found to be present between 1.6m and 2.3m depth (0.7m thick) and was clayey and weathered in nature. The presence of coal corresponds with the geological maps, which show a coal seam outcrop to cross the site to the south of WS1. 7.4 Cone SPTs refused at depths of between 2.04m and 2.72m, indicating solid strata, presumed to be mudstone. All the trial pits were halted by solid mudstone at depths of between 1.4m and 3.0m. We note the need for rotary bore hole investigation in relation to coal at the site has been identified but has not yet been undertaken. We note no commentary is offered about combustibility and potential impacts.

Chemical analysis of 8No. soil samples for metals, inorganics, speciated PAH, TPH, phenols, and asbestos was undertaken. The test certificates are included in Appendix K. No asbestos was found in any of the samples tested. Exceedances of the screening values for arsenic and nickel within the natural topsoil and clay were observed in locations TP3, WS1 and TP2.

The Report Author concludes no further assessment or remedial measures are considered to be required.

Comment

The authors own conceptual site model indicates a moderate to low risk for a number of source - pathway - receptor links. The following points list some of our concerns with the current phase 2 report, but they are not exhaustive as it is the applicants responsibility to

ensure the site is safe and suitable for the intended development.

1 out of 3 topsoil samples have exceedances and 1 in 4 clay samples have exceedances. We disagree with the conclusion that no further assessment or remediation measures are necessary. Numbers of topsoil and clay samples across the site are very limited and we require more robust commentary on the statistical analysis and the justification for the small number of samples across the site. We recommend further sampling be undertaken to support the conclusions reached.

We also have concerns that insufficient information has been given regarding the buildings and area to be demolished, whilst we appreciate some sampling in this area will have to wait until the buildings are demolished we do expect a survey for obvious contaminants and asbestos to be undertaken to better inform and target sampling and safe demolition.

Full gas monitoring must be undertaken in accordance with good practice guidance and presented in the Phase 2 report.

We do not accept the Phase 2 aspect of the report and recommend refusal until a satisfactory and comprehensive intrusive investigation is submitted.

Air Quality

An Air Quality Assessment by Dragonfly, dated the 16th of December 2025, ref: DC4910-AR1v24 has been submitted in support of the application. The proposed development site is on land off Leeds Road, Heckmondwike and is not within an Air Quality Management Area (AQMA), the closest AQMA is over 1km away. The report informs the development is to comprise 51 dwellings with the proposed houses set back from the A Road behind an established row of residential properties.

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 (LAQM. TG16), the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Construction Phase

For the construction phase a qualitative dust risk assessment 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 and the potential dust emission magnitude from demolition, earthworks, construction and trackout. Heavy goods vehicle movements are anticipated to be no more than 25 vehicles per day during construction phase, the report informs this number is well below the 100HDV movements per day, outside an AQMA and would thus result in a negligible impact on air quality.

Sensitivity mapping and weather data are considered using DEFRA mapped background predictions and the IAQM guidance, leading to human health impacts being defined as 'Low'

for Earthworks, Construction and Trackout.

The dust effects without mitigation, of each stage of construction are presented in table 6. Overall, the development is considered to be high risk of dust soiling impacts.

The report goes on to list the required mitigation (IAQM guidance) for fugitive dust within Appendix E. Should this mitigation be successfully implemented the effects of dust and PM10 associated with the construction phase of the proposed development are considered to be not significant.

Operational Phase

Local emission sources are largely influenced by traffic along Leeds Road as there are limited commercial sources nearby. The report considers potential impacts during the operational phase, both in terms of vehicle and plant emissions; and assesses the risk of exposure of future users of the site to poor air quality. A Baseline Assessment has been presented in Section 5; the report has correctly identified the location of the closest AQMA and used data from Kirklees Council's Annual Status Report. The trip numbers generated and associated distribution have been assessed and considered to fall below the applicable criteria. Consideration of the impact on the local AQMA was thus not required. The trip generation of the proposed scheme is anticipated to be below EPUK/IAQM screening criteria of 500 AADT for outside of an AQMA, the necessity of a detailed assessment of operational effects has been scoped out.

The report has considered Local Air Quality Monitoring in section 5.2, Nitrogen dioxide results from nearby monitoring stations are tabulated in table 5.1. The table clearly identifies the monitoring sites where concentrations of NO₂ have exceeded the annual mean for Air Quality Objectives. The report goes on to inform these locations or very close or within the declared AQMA and are thus not a true representation of the proposed development site, suggesting that monitoring locations K60a, K88 and K88a are more representative. Based on the information presented we accept the conclusion that with no recent exceedances recorded at the most representative monitoring locations and the dwellings within the proposed development being set back from the roadway there is no predicted risk of the proposed development exposing sensitive receptors to elevated air pollutant concentrations.

The report concludes that the operational phase of the development would have a negligible impact on local air quality. In accordance with the West Yorkshire Low Emissions (WYLES) - Technical Planning Guidance, due to a total net gain of 49 houses, mitigation measures to assist in reducing any potential impacts in relation to air quality have been proposed. These include the provision of EV charging for each property the provision of a travel plan (sets out measures to encourage the uptake of sustainable modes of transport) and setting the properties well back from the A Road.

Comment

We agree with the overall methodology and approach of the air quality assessment and accept the conclusions of the report. A condition is recommended to secure the dust mitigation measures proposed.

It is recommended the Planning Officer ensure the EV charging mitigation is applied, we

recommend a condition to secure the dust mitigation offered within the report.

Noise

The applicant has submitted a Noise Impact Assessment authored by Dragonfly Consulting dated May 2025 Ref DC4910-NR1. It describes the proposal and identifies the potential sources of noise from the immediate environment.

An Environmental Noise Survey was undertaken from the 12th to the 17th of December 2024 from a single monitoring position as shown in Appendix C. A summary of the results is shown in table 4.2 (with some exclusions due to adverse weather conditions). Comment is made that the dominant source was road traffic noise.

In order to meet with the internal requirements of BS8233, two specifications are given for glazing and ventilation (A & B) and table 6.6 shows it will meet the required levels for daytime and nighttime. Table D-1 shows which plot will require which specification or standard glazing and natural ventilation.

In order to meet with the external requirements of BS8233, 2.1m high acoustic barriers are proposed as shown in blue in Figure E-2 ensuring the site meets with the required levels.

The findings of the report are accepted. A condition is recommended to secure the mitigation measures.

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. An advisory relating to charging points is therefore necessary.

Recommended Conditions

DUST1 Implement agreed Dust Mitigation Scheme – Condition

Before any demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in table E1, Appendix E (column High Risk, highly recommended), of the Air Quality Assessment by Dragonfly, dated the 16th of December 2025, ref: DC4910-AR1v24has and retained for the duration of the demolition and construction period.

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

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 Dragonfly Consulting dated May 2025 Ref DC4910-NR1 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.

CEMPF Construction Environmental Management Plan – Advisory 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.

EVF1 Electric Vehicle Charging Points – Advisory Footnote

- 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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group