

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2025/91531 land off, Leeds Road, Heckmondwike, WF16 9DB

**REVISED AND ADDITIONAL INFORMATION RECEIVED, AND REVISED DESCRIPTION:
Demolition of existing semi-detached houses and associated buildings, and construction of 49 dwellings, including associated access and other associated works**

**Responding Date:
9th April 2026**

**Responding Officer:
SR**

**Responding Ref:
WK202609245**

Comments

Since our previous comments dated the 27th of August 2025 Environmental Health have been reconsulted due to new information and a change in the number of dwellings from 51 to 49.

Air Quality

In support of the changes to the application a revised Air Quality Assessment by Dragonfly, dated 26.02.26, ref: DC4910-AR1v3 has been submitted. It considers the slight alterations to the proposed development concluding that the mitigations offered in the report are sufficient to reduce any risk to negligible. We have updated our recommended condition accordingly.

Noise

In support of the changes to the application a revised Noise Impact Assessment by Dragonfly, dated 05.03.2026, ref: DC4910-NR1v3 has been submitted. It considers the slight alterations to the proposed development concluding that the mitigations offered in relation to glazing and some external barriers within the report are sufficient to reduce any loss of amenity to future occupiers. We have updated our recommended condition accordingly.

Contaminated Land-

Geotechnical information is beyond the remit of Environmental Health; this response is in relation to contaminated land only.

In our previous comments we did not accept the Combined Stage 1/Stage 2 Geo-Environmental Report ref: ORH/25r1 by ARP Geotechnical Ltd, dated the 18th of November 2024, due to lack of gas data, the need for more commentary or increased sampling of soils and an appropriate plan in regard to post demolition investigation.

The applicant has re submitted the above report, whilst we have identified some information in relation to asbestos we are unable to clearly see updated information in relation to soil exceedances within the report and therefore contaminated land issues are still outstanding.

We do acknowledge the submission of gas monitoring data and commentary in the following documents:

We have reviewed the letter by ARP Geotechnical Ltd, Ref: ORH/25/JRjcl3, dated 17th January 2024 – it contains geotechnical information.

We have reviewed the letter by ARP Geotechnical Ltd, Ref: ORH/25/JRjcl5, dated 21st February 2025 – it is largely geotechnical however conclusion includes information in relation to action necessary if coal encountered during site clearance. The letter concludes; “any

indication of outcrop workings in this area that are found during site clearance/development works should be inspected by the Engineer and may require deepening of foundations. Arisings of coal will need to be either disposed off-site or placed below at least 1m of low permeability cover (such as compacted clay), to prevent future combustion. The seam left in situ will also need to be considered for combustion risk, if there is less than 1m of low permeability cover already present.” This information should be reflected in the phase 2 report and a revised conceptual site model, we would also expect information on protection of service trenches if shallow coal is evident to site.

We have reviewed the letter by ARP Geotechnical Ltd, Ref: ORH/25/MHjcl6, dated 7th March 2025. The letter confirms three gas monitoring wells were installed in boreholes WS1, WS5 and WS6 in October 2024. Six visits were undertaken between 30th October 2024 and 04th February 2025. The report author has used guidance to assess the risk indicating that the site generally can be characterised as CS1, but an area in a fault to the south west of the site must be characterised as CS2 (20m radius), this area has not been illustrated or demonstrated on a plot plan.

Comments

Whilst we accept the professional assessment of the gas data of the report author, we require an updated Phase 2 report answering all the points we have raised and a revised conceptual site model, any site characterisation differences must be clearly identified on a plan (e.g. CS1/CS2 and areas where coal may need to be removed/covered).

There is sufficient information for the recommendation of conditions in relation to contaminated land.

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 26.02.26, ref: DC4910-AR1v3 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 05.03.2026, ref: DC4910-NR1v3 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.

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 197 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 197 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 197 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 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 197 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.

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

