

<b>Consultation Response from: KC Environmental Health (Pollution &amp; Noise Control)</b>		
<b>2025/91542 - Land at Highmoor Lane, Hartshead Moor, Cleckheaton, BD19 6LW</b>		
<b>Erection of 40 dwellings and associated works, including formation of new vehicular access and erection of cricket netting</b>		
<b>Responding Date:</b> 17 <sup>th</sup> July 2025	<b>Responding Officer:</b> SR	<b>Responding Ref:</b> WK202520656
<p><b><u>Comments</u></b> Environmental Health have been consulted regarding the above application for 40 houses on land at Highmoor Lane Cleckheaton. The site borders the M62 to the NW and Halifax Road A649 to the N. A former school on site was demolished some years ago with the site now presenting as open land with mature trees, shrubs and some areas of hardstanding.</p> <p><b><u>Air Quality</u></b> An Air Quality Assessment by Hydrock, dated the 20<sup>th</sup> of May 2025, ref: 29177-HYD-XX-ZZ-RP-Y-2001_P05 has been submitted in support of the application. The proposed development site is on land off Highmoor Lane, Cleckheaton and is not within an Air Quality Management Area (AQMA), it does border the M62 motorway to the NW.</p> <p>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.</p> <p><b><u>Construction Phase</u></b> 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. The potential dust emissions from each activity are summarised in Table 8.</p> <p>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.</p> <p>Table 10 provides a summary of the construction dust risk assessment. Overall, the development is considered to be Medium Risk for nuisance dust soiling effects, and a Low Risk for PM<sub>10</sub> health effects, in the absence of mitigation.</p> <p>The report goes on to list the required mitigation (IAQM guidance) for fugitive dust within Appendix E.</p> <p><b><u>Operational Phase</u></b> The report considers potential impacts during the operational phase, both in terms of vehicle</p>		

and plant emissions; and assesses the risk of exposure of future users of the site to poor air quality.

From the traffic data contained within the submitted transport assessment, the site is classified as 'Medium' in line with the WYLES guidance. The report has provided an assessment in accordance with Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) guidance.

The report provides evidence from the transport data, dispersion information and demonstrates an understanding of Kirklees and Calderdale Council Air Quality data, concluding, in accordance with EPUK & IAQM guidance. A detailed assessment of air quality impacts from scheme-generated traffic has been scoped out. It goes on to assess the exposure of future receptors at the site. The exposure assessment using modelled future receptors demonstrates that there are no predicted exceedances of the annual mean NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> AQALs at the Site, the overall judgement on the potential for exposure to poor air quality at the Site is 'not significant'.

In line with the West Yorkshire Low Emissions (WYLES) - Technical Planning Guidance for medium developments, the report recommends mitigation measures to assist in reducing any potential impacts in relation to air quality. These include the provision of EV charging for all dedicated parking and a travel plan promoting alternative modes of travel.

#### 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 put forward.

It is recommended the Planning Officer ensure the EV charging mitigation is applied and the travel plan is included within the Transport Assessment.

#### Contaminated Land

##### Desk Study

In support of the application, a Phase 1 Desk Study Report by RGS, dated the 9<sup>th</sup> of May 2025, ref: C2960/22/E/4473 - Rev1 has been submitted.

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

A site walk over was undertaken on the 12<sup>th</sup> of October 2022 and the site is described as overgrown land with the remnants of an old carpark and a pond. No visible evidence of contamination was observed. The site history and environmental setting since 1854 have been listed with the site described as initially fields until a school is shown on site in 1974. This is no longer evident in 2010.

Solid geology to the site is described as Pennine lower coal measure formation. Table 3 presents a summary of the Coal Authority Consultant Mining Report Information with past

underground mining at 110m or below recorded and no probable unrecorded shallow workings.

Potentially contaminative sources identified are listed in Table 7, including but not limited to: -

- pond
- historic construction
- unspecified pit
- refuse heap

A preliminary conceptual site model is presented in Table 8; it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

We accept the report.

#### Intrusive Investigation

A Phase 2 Geo Environmental Report by RGS dated 15/12/2022, ref: C2960/22/E4487 has been submitted in support of the application. 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.

The report refers to the earlier Phase 1 report by RGS. Fieldworks were undertaken between the 17th and 19th October 2022 consisting of: -

- Seven dynamic probes.
- Five machine excavated trial pits.
- Three soakaway tests.
- Eight TRL dynamic probes.
- Five gas monitoring standpipes.

Strata conditions inform generally firm to stiff slightly gravelly silty clay present to depths of between 0.85m and 2.1m below ground level. Underlain by weathered rockhead of the Pennine Lower Coal Measures Formation.

A suite of testing was conducted on 6 samples from across the site and the following regime was undertaken –

- Metals – Cd, CrVI, Cu, Hg, Ni, Pb, V and Zn.
- Semi and Non-Metals - As, Se, Free CN- and Phenols.
- Polycyclic aromatic hydrocarbons (PAHs).
- Petroleum hydrocarbons (TPHs).
- Others – pH, organic content and total/soluble SO<sub>4</sub><sup>2-</sup>
- Asbestos.

The results of all of the chemical testing are presented in Appendix 7. No asbestos was found in any of the samples tested. Whilst contaminants were detected they were below the

associated At Risk Soil Screening Values. A low risk rating has been attributed in the conceptual site model (CSM). The CSM presented in table 13 attributes a low risk rating apart from in relation to plastic services to future structures.

Due to the time that has elapsed since the investigation and the incomplete gas monitoring, we are unable to accept the report. We would anticipate an updated report to provide gas monitoring data in accordance with current guidance and an update on site conditions, confirming if any potential new contaminants are present. If the site setting is changed, we would anticipate additional testing. We therefore recommend the following conditions.

#### Noise

A Noise Impact Assessment by Hydrock, dated the 19<sup>th</sup> of May 2025, ref: 29177-HYD-XX-XX-RP-Y-1001 has been submitted in support of the application. It identifies the neighbouring sources of noise, primarily the M62 motorway, the A649 - Halifax Road and the A643 - Highmoor Lane.

A noise survey was undertaken between the 19<sup>th</sup> and the 21<sup>st</sup> of June 2024 from 4no. monitoring positions as shown in figure 1 and a summary of the findings is given in table 3. The dominant source was road traffic from the M62 and A649. Comment is made that no commercial/industrial noise was noted during the survey. A cricket match was played during the monitoring time frame but was not audible during this period. As expected, the measured noise levels are elevated for both daytime and night time, particularly at ML1 to the west of the site adjacent to the motorway. Average daytime noise levels across the site are shown in Figure 2 and comment is made that noise levels in private gardens are predicted to be above the upper 55 dB(A) guideline level in the western and northern part of the Site, with one of these plots exceeding 60 dB(A), in the southwest corner of the site, closest to the M62. Therefore, mitigation measures are required to reduce noise levels in outdoor living areas

In order to meet with the external requirements of BS8233, a range of acoustic barriers are proposed as shown in figure 3 with figure 4 showing the mitigated levels. The report states noise levels are predicted to be below 55dB(A) within the majority of private gardens across the Proposed Development, with the exception of a single plot in the southwestern corner of the site (Plot 40), where noise levels are between 55dB(A) and 60dB(A). Furthermore, noise levels exceed 55 dB(A) in a small proportion of private gardens in the northern part of the site, closest to Halifax Road. Reference is made to BS8233 which states *"In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited."* It will be for the Planning Officer to determine if this is applicable.

In order to meet with the internal requirements of BS8233, glazing is specified as shown in table 7 based upon the respective facades and the mitigated daytime and night time façade levels are shown in figures 5 and 6. The majority of proposed dwellings will require an alternative ventilation strategy to open windows, due to elevated noise levels and to deal with the likelihood of overheating but this is not within the remit of Environmental Health. This is reflected in figure 8.

Comment is made on fixed mechanical plant and upper limits are given as shown in table 5 but it is unclear where this would be required on a residential development.

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

### **Recommended Conditions**

#### **DUST1 Implement agreed Dust Mitigation Scheme – Condition**

Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Appendix E of Air Quality Assessment by Hydrock, dated the 20<sup>th</sup> of May 2025, ref: 29177-HYD-XX-ZZ-RP-Y-2001\_P05 and retained for the duration of the 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

#### **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 (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 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.

**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 by Hydrock, dated the 19<sup>th</sup> of May 2025, ref: 29177-HYD-XX-XX-RP-Y-1001 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.