

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2026/90937 - Gomersal St Marys C of E First & Nursery School, Shirley Avenue
Redevelopment of school, including demolition of existing buildings; erection of single storey building; external works including provision of hard and soft PE and play spaces; sub-station; associated landscaping; installation of temporary building during construction
**Date Responded:
 Sunday, 03 May 2026**
**Responding Officer:
 HK**
**Responding Ref:
 WK/202611551**

Thank you for consulting Environmental Health on the above application. The applicant has submitted a Planning Statement, Ref: UK004390.2281, dated March 2026, prepared by WSP to accompany the application, detailing that:

“The existing school buildings are proposed to be demolished and consolidated into a single storey building, with the proposals also including a forest school, play spaces, hard and soft landscaping, and car and cycle parking”.

COMMENTS

The application is accompanied by a number of reports in relation to contaminated land and noise, and Environmental Health will discuss the relevant reports in the relevant sections:

Contaminated Land

Four contaminated land reports have been submitted. The Phase 1 and Phase 2 reports by RSK Environmental were reviewed by Roberts Environmental Limited producing a further Geo-Environmental Interpretative Report, *“to review the scope of works and findings of earlier investigations and to identify any significant information gaps or discrepancies that could present material risks to the proposed development”* and subsequently undertake further intrusive investigation works to produce a Contamination Assessment *“to allow for the suitability of shallow soils in areas of the site to be determined with greater confidence”*.

1. Preliminary Risk Assessment Report, Ref: 350556 - R01 (00), dated November 2022, prepared by RSK Environment Limited
2. Coal Mining Risk Assessment Report, Ref: 65208322-SWE-XX-XX-T-J-2001, dated 27th February 2023, prepared by SWECO
3. Geo-Environmental Site Investigation Factual Report, Ref: 323198-R01 (00), dated 11th January 2024, prepared by RSK Environment Limited
4. Geo-Environmental Interpretative Letter Report, Ref: 250913.R.01, dated 30th September 2025, prepared by Roberts Environmental
5. Contamination Assessment Letter Report, Ref: 251009.001.CA, dated 12th December 2025, prepared by Roberts Environmental

The sites history is identified as agricultural up until construction of the current school in the late 1980's. Off site, the surrounding land has seen coal mining, chemical works and textile mills all of which disappeared during the early 20th century. The additional contaminated land investigations undertaken by Roberts Environmental on the 27th October 2025 have been undertaken at shallow depths on the area of the site that is not currently developed confirming that:

“no significant and/or unacceptable levels of contaminants have been recorded in either soil or leachate samples subject to laboratory analysis. As such, the soils subject to investigation are considered suitable for re-use on site within areas of soft landscaping subject to such soft landscaping not being utilised for produce growing”.

The initial Roberts Environmental report dated 30th September 2025 identified:

“An intrusive investigation would be required to allow for the risks from contamination and coal mining related features to be more robustly determined. The scope of works recommended are as follows:-

1st Stage

- *1 No. Day, Hand Excavated pits to confirm soil profile in areas of existing soft landscaping to inform soil suitability assessment and Soil Management Plan (if soil re-use is considered desirable).*
- *An initial 3 No. Rotary Boreholes to depths up to 40m bgl, to allow for the presence or otherwise of worked coal seams beneath the site to be determined.*
- *Representative samples of soils and groundwaters would be recovered from across the site to confirm the physico-chemical status of soils present, and allow for the suitability of existing site soils for re-use to be determined.*
- *Sample recovery would include both discrete sample and composite sample recovery.*
- *Samples of Asphalt Hardstanding on site should be collected and subject to Coal Tar Analysis to assign a Waste Classification.*
- *BRE 365 Soakaway Assessment to inform SuDS design.*

2nd Stage

- *2 No. Days Windowless Sampling Boreholes across the site to fill residual information gaps and to provide additional information to inform foundation design.*
- *Installation of 8 No. Windowless Sampling boreholes with combined ground gas and groundwater monitoring equipment to allow for subsequent gas monitoring*
- *Potentially a further 3 No. Rotary Boreholes to depths up to 40m bgl, to clarify the presence or otherwise of worked coal seams beneath the site to be determined.*
- *Depending upon the requirement for any coal mine remediation works, an additional program of gas monitoring may be required due to the potential impact on the ground model. Should this be required, an additional 6 No. monitoring rounds would be required post remediation”.*

Despite further intrusive sampling on the 27th October 2025, the above recommendations were not undertaken and remain outstanding, as a result, further assessment will still be required in line with the above recommendations. Furthermore, the redevelopment of the site will expose additional areas under the current buildings footprints which also require assessment for potential contaminants. Therefore, intrusive site sampling of the currently developed (not yet assessed) part of the site is required to ensure that contaminants at the site, soils and wastes are appropriately dealt with – therefore contaminated land conditions are recommended for the site.

Noise

The applicant has submitted the following report in support of this application:

6. Noise Assessment Report, Ref: SRP1134-RMB-XX-XX-T-J-0002, dated November 2025, prepared by Ramboll

The purpose of the report is to:

“Provide an assessment of the noise impact from mechanical plant and external sports areas associated with the new St Mary’s Primary School”.

A noise survey was undertaken:

“on 22nd and 28th October at several positions within the school site, with noise monitors running continuously between 28th and 30th October at the northern and western ends of the site, close to the nearest houses to the site”.

Based on the environmental noise levels measured on site, the assessment has proposed the following fixed plant noise levels:

Location	Period	Measured typical background noise level	Corresponding plant noise Rating Level limit
Nearest residential properties surrounding the school site	Day (07:00-19:00)	38dB LA90	33dB(A)
	Evening (19:00-23:00)	38dB LA90	33dB(A)
	Night (23:00-07:00)	33dB LA90	28dB(A)

Table 1 – Proposed plant noise limits (based on typical levels from noise loggers)

The assessment confirms that playground use and use of the MUGA sports pitch:

“The new facilities will not be floodlit and are not intended to be used out of hours. There may be some community use of the MUGA but this is expected to be limited to use during the school holidays, broadly within typical school hours. Use of the MUGA is generally limited to football, basketball and tennis and for use by children. It is not expected that any further mitigation is required based on the proposed hours and type of usage.

Given the context of the area, being an existing school site, there is not expected to be a significant impact upon surrounding residents from the proposals”.

Noise conditions to ensure that noise levels from fixed plant and use of the external facilities will ensure potential noise impacts are satisfactorily mitigated.

Lighting

The applicant has submitted the following in support of this application:

7. Lighting Strategy Report, Ref: SRP1134-RPS-XX-XX-T-E-0004-P01, dated September 2025, prepared by RPS
8. External Lighting Design, Ref: SRP1134-RPS-ZZ-ZZ-D-E-6322 P01, dated March 2026, prepared by RPS

The lighting strategy report confirms that:

“The proposed external lighting will be provided and installed in compliance with the OS Annex 2E, CIBSE Lighting Guide 5, BSEN 13201, BS 5489 and ILP GN01 (The Reduction of Obtrusive Light).

The luminaries will be of the fixed type and selected to minimise light pollution and ensure light levels are kept within the limits as required by ILP GN01 and BS 5489-1 to avoid nuisance to the adjacent neighbourhood.

The external lighting will be monitored in terms of energy usage and controlled automatically by a photocell and time clock switch arrangement. A manual override switch will also be provided to allow testing and manual switching.”.

This is acceptable and should be ensured through conditions.

Air Quality & Net Zero

In an application of this nature, it is expected that measures are taken to reduce emissions in the form of electric vehicle charging points and low carbon technologies such as heat pumps for site heating requirements. Conditions are recommended to ensure their installation.

Demolition & Construction

Due to the proximity of neighbouring residential developments, the demolition, construction and landscaping phases of the development will impact the sites residential neighbours and will require careful consideration and management to reduce and mitigate noise and dust impacts.

The applicant has submitted a:

9. Construction Environmental Management Plan, Ref: Issue: P2, dated 2nd March 2026, prepared by Bowmer and Kirkland.

The report identifies the potential construction impacts associated with the site and identifies mitigation measures to reduce these impacts. The mitigation measures identified will require successful implementation to protect the sites residential neighbours from excessive noise, vibration and dust impacts.

RECOMMENDATIONS

In light of the aforementioned, Environmental Health recommend the following conditions are included with any granting of permission:

Despite further intrusive sampling on the 27th October 2025 by Roberts Environmental, the site has areas that have not been investigated by way of intrusive site investigation.

In addition, the Geo-Environmental Interpretative Letter Report, Ref: 250913.R.01, dated 30th September 2025, prepared by Roberts Environmental made a number of recommendations detailed above listed under the headings “*Stage 1*” and “*Stage 2*” which should also be followed. Environmental Health therefore recommend the following:

CLC2 Submission of an additional Phase 2 Intrusive Site Investigation Report (covering the remaining areas of the site) – 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 190 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 190 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 190 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 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.

NC10 Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed 5dB below the background sound level at any time, as detailed in Table 1 – Proposed plant noise limits of the Noise Assessment Report, Ref: SRP1134-RMB-XX-XX-T-J-0002, dated November 2025, prepared by Ramboll. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

SP1 Noise Management Plan (Multi-Use Games Pitches) – Condition

Before the use of the pitch commences, a site-specific Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- a method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the pitch and ban their future use.
- a facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt, and appropriate action taken promptly, and the complainant kept informed of progress.
- a system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the pitches.

The approved Noise Management Plan shall be fully implemented before the use of the pitch commences and shall be operated in accordance with the noise management plan thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

SP2 Ball impact sound mitigation - Condition

All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

LC5 Installation of the Agreed External Artificial Lighting – Condition

No external artificial lighting shall be used unless the lighting has been installed in accordance with the details provided in the Lighting Strategy Report, Ref: SRP1134-RPS-XX-XX-T-E-0004-P01, dated September 2025, prepared by RPS and the External Lighting Design, Drawing Ref: SRP1134-RPS-ZZ-ZZ-D-E-6322 P01, dated March 2026, prepared by RPS. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

LC2 Lighting Hours of Use – Condition

The artificial lighting hereby approved shall not be operated between dawn and dusk or between the hours of 18:00 and 07:00 on any day of the week.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan

DUST/CEMP1 Implement agreed CEMP Mitigation Scheme – Condition

Before any demolition and construction work commences, the mitigation measures to control noise, vibration & fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in the Construction Environmental Management Plan, Ref: Issue: P2, dated 2nd March 2026, prepared by Bowmer and Kirkland 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

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 2.1 2023.

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.

EVC1 Electric Vehicle Charging Points – Condition

Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for each parking space at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

EVF1 Electric Vehicle Charging Points – Footnote

- 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.

- 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 in relation to Approved Document S.