

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2020/92331 Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury		
Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1/D2 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure		
Date Responded: 16 October 2020	Responding Officer: Rebecca Muff (Air Quality & Odour) Natalie Heaney (Land Contamination) Mohammed Nasim (Noise) & Richard Hume	Responding Ref: WK/202021975
<p>Air Quality An Air Quality Assessment has been completed by Redmore Environmental Ltd and appears in Volume 1, Chapter 10 of the Environmental Statement by Deloitte Real Estate dated March 2020. The Environmental Statement is in support of an outline application for up to 1,354 houses, a commercial centre and a primary school.</p> <p>The Air Quality Assessment classifies the development as Major according to the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance and includes the impact of the development during both the operational and construction phases.</p> <p>The construction phase has been assessed in accordance with the methodology outlined in the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction V1.1. to predict the impact of fugitive dust emissions on sensitive receptors.</p> <p>For the operational phase, dispersion modelling has been undertaken using ADMS - Roads and traffic data provided by Pell Frischmann, Transport Consultants for the project, to predict the impact of air quality caused by the development on sensitive receptors. Traffic growth associated with other proposed developments has also been considered in the modelled scenarios i.e. “land at Heybeck Lane” situated immediately to the North of the site. Two modelled scenarios were undertaken using a baseline year of 2018 for verification and a future year of 2030 without development and with development.</p> <p>Because the development site is very close to the boundary with Leeds City Council (LCC), two factors were used to verify the modelling results, one using monitoring data from LCC and the other using monitoring data provided by Kirklees Council.</p> <p>The report concludes that for the construction phase there is the potential for air quality impacts caused by fugitive dust emissions. It also considers the potential for cumulative impacts should the construction phase overlap with that of any other scheme within 700m of the site boundary. However, these would be controlled by the mitigation measures listed in Table 10.5 “<i>Fugitive Dust Emission Mitigation Measures</i>” of the report, and providing that these good practice dust control measures are implemented the potential for air quality</p>		

impacts are predicted to be negligible. For the operational phase dispersion modelling results indicate that the effects of annual mean concentrations of NO₂ caused by an increase in traffic generated by the development were predicted to be minor adverse at 2 sensitive receptor locations and negligible at 50 sensitive receptor locations. Whilst PM₁₀ concentrations were predicted to be negligible at all sensitive receptors. The dispersion modelling also indicated that neither the NO₂ or PM₁₀ concentrations would exceed the relevant Air Quality Objectives (AQOs) at all locations across the site.

The report goes on to conclude, that to reduce potential air quality impacts due to vehicle exhaust emissions during the operational phase it is proposed that all Heavy-Duty Vehicle (HDV) movements from the proposed development travelling towards Dewsbury will be prevented from using the portion of Leeds Road included within Kirklees Air Quality Management Area (AQMA 5). To evaluate the effectiveness of this proposed mitigation, modelling using this scenario was undertaken and the results were predicted to be not significant, implying that this would prevent any significant impact on the AQMA.

Comments

This report has been assessed in accordance with the West Yorkshire Low Emission Strategy (WYLES). The WYLES guidance has two purposes, firstly to protect existing occupants/vulnerable groups from emissions associated with proposed developments. Secondly to protect new residents/ vulnerable groups occupying new developments from being subjected to harmful pollutant concentrations. The document divides applications into 3 impact types (Minor, Medium and Major) using specific criteria to determine the type. Actions and mitigation requirements are dependent on the development use class and which impact type it is classified as. The size of this development is more than that of the prescribed values set out in the WYLES and meets the additional set criteria and therefore it is regarded as a Major development in terms of air quality.

The report outlines its methodologies and provides details of the data used which is found in the Appendix, Volume 2 – Chapter 10, of the Environmental Statement, however no monetary cost calculations have been submitted. In accordance with the WYLES Guidance it is necessary for all Major developments to provide a calculation of monetary damages from the proposed development in addition to a full Air Quality Impact Assessment.

As the proposal is for a mixed-use development site we would also expect sensitivity testing to be undertaken for the operational phase using sensitive receptors within the development site that border onto the commercial usage to determine the impact that this will have on any future residents being subjected to harmful pollutant concentrations.

Whilst we agree with the methodology and find the approach satisfactory, because of these omitted details the report cannot be accepted therefore a condition requiring an air quality impact assessment is currently necessary.

A condition is also necessary to ensure the applicants dust mitigation proposals for the construction period are followed.

Electric Vehicle Charging Points (EVCP)

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. A condition requiring charging points is therefore necessary.

Odour

An Odour Risk Assessment by Delta-Simons Project no. 19-0865.07 Issued: December 2019 has been submitted in support of an outline planning application for a proposed development at land to the east of Leeds Road, Chidswell. The report details a qualitative odour assessment to address the potential odour emissions caused by farming operations from farms bordering the proposed development site and the loss of amenity for future residents. A risk assessment was undertaken based on a review of prevailing meteorological conditions and potential sensitive receptors occupying properties due to early phased development of the site taking place before existing farming practices cease. The report concludes that based on the assessment results the existing farm activities at Chidswell Farm are likely to have a slight adverse impact on the housing development and this is considered not to be significant and the risk of potential odour complaints is low.

Whilst the methodology of the report appears to be generally satisfactory, no baseline conditions at the site have been assessed and there appears to be quite a few details omitted that we would expect to have been considered in order that we can understand the outputs and make an informed judgment regarding the impact of odour on this development.

- Executive Summary - Site and Report Context - the report describes the location of two farms Chidswell Farm and Heybeck Farm in relation to the proposed development "*Chidswell Farm to the west and Heybeck Farm to the north-west*". This should read Chidswell Farm to the south west and Heybeck Farm to the north-east.
- There is no mention in the report what the current farming practices are at the two farms even though Heybeck Farm has been scoped out due to the prevailing wind direction and its proximity away from the proposed sensitive receptor locations
- 4.3.2 mentions that "*livestock are generally held indoors on farms and infrequently some cattle and sheep graze although this represents a maximum of 50 cattle and 200 sheep. Cattle only graze in the summer and generally sheep in the winter months*". Is this a general statement or is this factual information relating to the farming practices at Chidswell Farm? How is the livestock currently stored and will it impact the neighbouring future residents going forward?

There is reference to livestock rearing throughout the report but no detailed information relating to the type of livestock or the numbers that are involved, or whether this livestock currently grazes on all the agricultural land or only part of it. There is no detailed description of what the current agricultural land for the whole of the planned development area is currently used for.

- 4.3.3 talks about the farm activities being classed as being "*Moderately offensive*" but no mention about what the farm activities involve or the size of the farm.

- 4.3.5 describes that the main sources of odour from the farm as “*mainly open, uncontrolled and low level*” there is no reference anywhere in the report as to what the current sources of odour are, and what they might be in the future.
- Based on the assumption that Chidswell Farm raises cattle, is there a slurry tank at the farm and if so how often does this get emptied and how is the slurry disposed of? Does this operation cause odours or is it likely to? Are there any control measures in place to control the possible risk of offensive odours?
- Again, based on the assumption that Chidswell Farm raises cattle, is there a silage store at the farm and if so, is it of such a capacity that it could be a source of odour.
- The report bases its Assessment around risk of odour during the phased development of the site and early residential population, but there is no mention about risk of odour post development. Is this because the farming practices will cease or are the livestock going to be moved to other agricultural land within the vicinity. If Chidswell Farm is going to continue its farming practices, then the risk of odour nuisance post development must be considered especially for those receptors closest to the curtilage of the farm.

In the absence of this information we cannot accept this Odour Assessment. There are too many uncertainties relating to the potential risk of odour arising from the neighbouring farm and we cannot make an informed decision that that the risk of future odour complaints is low. Therefore, to safeguard the loss of amenity of the future residents, based on the meteorological data we have been given, we would recommend that a greater proportional distance is placed between the properties bordering the curtilage of the farm to distance them from the risk of potential odours, and the following odour conditions will be necessary.

Contaminated Land

The following reports have been submitted in support of the application.

- Phase 1 Geoenvironmental Desk Study Report Heybeck Lane and Land to The East of Leeds Road, Chidswell For CC Projects by Patrick Parsons Limited, dated December 2019 (ref: H18017)
- Coal Mining Risk Assessment Heybeck Lane, Chidswell, Dewsbury for CC Projects by Patrick Parsons Limited, dated December 2019 (ref: H18119A CMRA)

The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. I have read the reports supplied by the applicant.

The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses since the 1800s. The proposed site is south of Dum Wood and West of Dogloitch Wood. The site is associated with former mineshafts and associated structure due to historical coal mining activities on-site and adjacent to the site at nearby Babes in the Wood Colliery. There are also areas of colliery spoil and demolition waste across the site. The site is in a development high risk area according to the Coal Mining Authority and the site has the potential for shallow mine workings and mine entries, of which several are within the site boundary. From this, ground gas, metals, PAHs, and as asbestos have been identified as

possible contaminants of concern. The report concludes by recommending a Phase II investigation including but not limited to the installation of gas monitoring standpipes and monitoring for a minimum of 12 visits over 6 months, soil sampling and laboratory analysis and rotary borehole investigations to assess the coal mining legacy. I am satisfied with the submitted information. Contaminated land conditions are therefore necessary.

Noise

Chapter 9 of the Environmental Impact Assessment (EIA) deals with Noise & Vibration and has been completed by Delta-Simons. This Chapter is accompanied by three technical appendices:

- Baseline noise survey details (Appendix 9.1)
- Acoustic modelling and predicted noise levels (Appendix 9.2); and
- Glossary and abbreviations (Appendix 9.3)

Appendix 9.1 states baseline noise levels were measured by Apex Acoustics in 2019 (Para 9.166) with long term measurements (LT) at the North of the site near the junction of Leeds Road and Heybeck Lane and also at the Southern part of the site. Short term measurements (ST) were taken at various locations to the North and West of the site. Whilst it has been summarised in the Appendix, a copy of the Apex Acoustics Report has not been provided.

LT monitoring was carried out on Weds 23 October 2019 until 24 October 2019 and reference is made to this in figures 9.2 and 9.3. However, Figures 9.2 and 9.3 show monitoring started at 1500hrs, through a full 24hr cycle until 1000hrs two days later and this timeframe of 44hrs does not tie in with the above dates.

Table 9.12 (EIA) shows noise levels from traffic of 53dB $L_{Aeq,16h}$ at LT1 and 49dB $L_{Aeq,16h}$ at LT2. Table 9.13 (EIA) shows noise levels of traffic at ST 1-9 of between 47 dB $L_{Aeq,T}$ and 71 dB $L_{Aeq,T}$. However, no assessment is provided of predicted noise on new residents of the development from existing noise sources or proposed.

The overall approach to the assessment comprises:

- A review of the existing noise at the Site
- Noise and vibration impacts arising from construction processes affecting the noise sensitive receptors
- Noise impacts to future residents within the site from existing transport or industrial related noise sources
- Noise impacts to existing and future residents from changes in traffic associated with the Proposed Development
- Noise impacts to existing and future receptors from mechanical building services plant and operations of the non-residential buildings associated with the Proposed Development; and
- Formulation of mitigation measures, where appropriate, to ensure any adverse effects of noise are minimised.

The nearest noise sensitive receptors exposed to construction noise are the existing properties on Leeds Roads, Heybeck Lane, Willerton Close, Chidswell Lane and Manor Park, along with the new properties on site as the construction progresses. At this stage, no specific details on the construction activities, programme or number and type of construction plant are

currently available. Therefore, a condition requiring a Construction Environmental Management Plan to address any issues with noise, vibration, dust etc. will be necessary

Consideration will need to be given to the levels of noise once the development is completed. Noise from the commercial units must be minimised through good design to ensure the indoor and outdoor guideline values within BS8233 are achieved. Where internal daytime levels are exceeded, using trickle ventilation alone to provide sufficient ventilation to help control thermal comfort without the need to open windows would not be acceptable and so an alternative ventilation scheme would need to be considered.

At this stage, as no details of the location, number or type of building services plant required for the commercial units, school and the employment areas are currently known, a condition will be necessary to ensure there is no loss of amenity to either existing or future noise sensitive receptors.

In addition to plant noise, there will be noise associated with outdoor play and sports areas (Multi Use Games Area - MUGA) and potential noise breakout from the school such as during outdoor play, musical or performance events. The nearest receptors to the school will be the new residential properties within the proposed development and whilst the report makes reference to 55dB L_{Aeq} for outdoor areas during the daytime period, this is an upper limit and guidance is available in BS8233 stating it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$, with an upper guideline value of 55 dB $L_{Aeq,T}$. The assessment states absolute levels of the noise from the activities can be predicted when details are available and mitigation can be introduced in the form of fencing or bunding if required but this should always be as a last resort as it can be avoided through good acoustic design.

Conditions relating to noise are therefore necessary.

Artificial External Lighting

It is assumed that external area lighting will be required for the proposed non-domestic uses such as those in the proposed employment area and also at the proposed school, Local Centre and outdoor sports areas. It is important that any such lighting is appropriate for the intended use of the area and is not excessive stray light and glare are minimised and also that the lighting is not used when it is not required. A condition is therefore necessary for lighting schemes for all areas of external lighting (other than highway lighting).

Impact on Amenity from Construction Phase

Much of the site boundary is immediately adjacent to existing residential properties. There is a likelihood that noise, vibration and artificial light associated with ongoing demolition and construction activities at the site will have an adverse impact on the amenity of the occupiers of these existing properties and also on the occupiers of new dwellings within the site. A condition requiring the construction phase to proceed in a way that minimises such adverse impacts by using best practice is therefore necessary.

Recommendations

Environmental Health support the application subject to the following conditions.

AQIAC 1 Air Quality Impact Assessment – Impact of new development on the area-Condition

Before the development is brought into use a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
- include a sensitivity test by running the model for the operational phase using sensitive receptors within the development site that border onto the commercial usage to determine the impact that this will have on any future residents being subjected to harmful pollutant concentrations
- include a calculation of the monetary damages from the development and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before the development site is operational and shall be retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and **XXXX** of the Local Plan

AQIAF1 Air Quality Impact Assessment - Footnote

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

Dust mitigation measures for the construction phase

Before any demolition or construction work commences the dust mitigation measures detailed in Table 10.5 of the Air Quality Assessment by Redmore Environmental Ltd, Volume 1 Chapter 10 of the Environmental Statement by Deloitte Real Estate dated March 2020 shall be implemented and thereafter maintained throughout the whole of the site construction period.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet

at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained 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 LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Odours Impact Assessment - Condition

Before the development commences, an Odour Impact Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- detail all the potential sources of odour in the vicinity of the application site
- determine the potential of adverse impact on the proposed development from these potential sources of odour
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity.

The recommendations of the approved report shall be implemented before the development is brought into residential use and retained thereafter.

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 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. 178 and 179 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 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. 178 and 179 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. 178 and 179 of the National Planning Policy Framework

CLC5 Submission of Validation Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation 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. 178 and 179 of the National Planning Policy Framework

Framework

CLC 7 Contaminated land - Footnote

All contamination reports shall be prepared in accordance with guidance in *Land Contamination Risk Management (LCRM)*, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before development commences, a report specifying the measures to be taken to protect noise sensitive properties within the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic, commercial premises etc. shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

NC10 - Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services, external plant and equipment and vehicle movements within the boundary of any of the employment development units shall be effectively controlled so that the combined rating level of noise from all such equipment and activities does not exceed 5dB below the background sound level at any time. "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.

NC8 Noise Report required for proposed noise generating use close to existing noise sensitive premises - Condition

Before construction work commences a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all of the noise emissions from all of the proposed outdoor sports areas, the proposed School and the proposed Local Centre
- b) details of existing background and predicted future noise levels at the boundary of existing and proposed nearby noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

LC1 External Artificial Lighting - Condition

Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and 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 **xxxxx** of the Local Plan

LF1 Artificial lighting - Footnote

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E2 / E3 (depending on the part of the site)

CEMPC Construction Environmental Management Plan - Condition

Before development (including any demolition) commences a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and **xxxxx** of the Local Plan

CEMPF Construction Environmental Management Plan - Footnote

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2016 provided detailed information regarding dust control.

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.