



Our ref:  
Your ref: 2022/91849

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**FAO: Nick Hirst**

15 July 2022

Dear Nick,

**2022/91849 - Variation condition 21 (highways) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)**

National Highways has been consulted by Kirklees Council (the Council) on planning application 2022/91849, with the applicant seeking a variation of condition 21 *to allow for the building to be occupied in advance of the completion of the site's highway works.*

The development proposal at the former North Bierley Waste Water Treatment Works in Oakenshaw has planning consent - planning reference 2016/60/92298/E.

The planning consent permits a total of 35,284m<sup>2</sup> of Use Class B1c / B2 / B8 with no more than 75.8% of the floor area to be provided as Use Class B2.

In support of the current planning application, a Transport Technical Note (the Note) has been submitted by ADC Infrastructure (ADC), supported by transport work prepared by Andrew Moseley Associates (AMA).

### **Note Review**

It is stated that Tungsten Properties has instructed ADC to provide advice in relation to a Section 73 application relating to the extant planning permission for the site; and the Section 73 application seeks to vary the timing (related to a previously agreed development floorspace threshold) for off-site highway improvements to enable occupation of a commercial unit on the site that is nearing completion.

The Note reiterates the consented position, which has been replicated within this letter for completeness:

- *Condition 20 - No more than 17,642m<sup>2</sup> of floorspace shall be constructed until either:*

a) The highways works on the Bradford Road approach to M62 Junction 26 Chain Bar, as shown in principle on AECOM drawing number 60221630 Rev 5, are approved in writing with the Council in consultation with National Highways; or

b) The improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by National Highways.

- *Condition 21 - No more than 17,642m<sup>2</sup> of floorspace shall be occupied and come into use until either:*

a) The highways works on the Bradford Road approach to M62 Junction 26 Chain Bar, identified in Condition 20) a) are implemented and open to traffic to the Council's approval in consultation with National Highways; or

b) the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by National Highways.

In addition, it is stated within the Note that since the original planning consent was granted, a Non-Material Amendment (NMA) was approved by the Council amending Condition 20 to enable the construction of up to 21,882m<sup>2</sup> of floorspace. However, Condition 21 is unchanged from the original consent. National Highways concurs with how the established position has been presented within the Note.

However, at the time, the NMA was passed, it did not seek to vary Condition 21 and hence there is an inconsistency between the amount of floorspace that can be constructed at the site prior to the implementation of the agreed mitigation scheme, compared to the amount of floorspace that can be occupied prior to the implementation of the highway works. Hence the need for the current planning application.

It is stated within the Note that now that construction of a commercial unit on the site is nearing completion, its legal occupation awaits the implementation of either:

- The improvement to the Bradford Road approach to the M62 Junction 26 (a short nearside extra lane to provide three entry lanes to the roundabout circulatory carriageway as a modest improvement); or,
- The National Highways improvement scheme is implemented (a significant improvement scheme that was paused for 'further review and consideration' in 2017 and which does not currently form part of any planned programme of future highway works).

National Highways can confirm the assumption made in the Note that the 'significant improvement scheme' at M62 Junction 26 is not within any committed funding or delivery programmes, and as such, cannot be counted upon to be delivered to discharge the requirements of Condition 20 or 21. As such, National Highways concurs with the statement in the Note that to satisfy Condition 21, any occupation above the current floorspace threshold will therefore require the agreed mitigation scheme to be delivered.

The Note states that the implementation of the agreed mitigation scheme are pending, subject to Section 278 technical approval and road space booking restrictions. It is National Highways' understanding – that at the time of writing – the majority of the detailed design has been agreed and is close to being finalised. Once finalised, National Highways will require a Stage 2 Road Safety Audit, ahead of the sign-off of the delivery of the scheme, and this process could take approximately two to three months, before work on the ground can commence.

The above timescales broadly align with the timescales proposed within the Note, where it is stated that it is understood that the necessary approvals could be in place to implement the improvement works in Summer / Autumn of 2022.

As such, the Note has been prepared to provide an analysis of the highway implications associated with amending Condition 21 to increase the trigger point for the required highway works from 17,642m<sup>2</sup> of floorspace to 21,882m<sup>2</sup> of floorspace, bringing it in line with Condition 20 (as varied under the NMA). This approach is accepted by National Highways, without prejudicing the outcomes presented within the Note.

It is stated that there is an increase of 4,240m<sup>2</sup> of floorspace, and allowing it to come forward would allow the unit to be occupied in advance of the agreed mitigation scheme being implemented.

ADC has undertaken an assessment of the potential traffic increases associated with amending Condition 21 to increase the amount of floorspace that can be occupied prior to the implementation of the highway works from 17,642m<sup>2</sup> to 21,882m<sup>2</sup>.

The note has used the trip rates – and by extension, the trip generation – from the Transport Assessment which prepared as part of the planning consent, and this demonstrates that the increase in floorspace would generate a maximum of 26 two-way trips in the morning peak and 21 two-way trips in the evening peak.

When these flows are distributed to the network, as per the Transport Assessment's distribution, it is stated that the increase in floorspace would result in 20 two-way trips in the morning peak and 15 two-way trips in the evening peak, passing through the Bradford Road arm of M62 Junction 26.

It is stated within the Note that the agreed mitigation scheme would benefit only those vehicles departing the site and entering the circulatory carriageway of M62 Junction 26. Whilst National Highways agrees to this view to an extent, the mitigation scheme has been agreed by all parties to mitigate the impact of the development proposals on the local road network and the Strategic Road Network (SRN). However, it is not clear how ADC has drawn conclusions that the Bradford Road approach would experience an increase of 3 vehicles in the morning peak and 13 vehicles in the evening peak.

Despite the lack of clarity as to how the increases on the Bradford Road arm have been derived, the Note states that the increase in floorspace would not generate a severe impact and would lie within the range of daily peak hour traffic variations on the approach to the junction. Furthermore, it is stated within the Note that such increases would be negligible and imperceptible in practical junction operation under the adaptive control system (MOVA) currently installed at the junction.

This conclusion is noted by National Highways. It is however worthwhile stating that the agreed mitigation scheme is required to mitigate the impact of the development proposals at the local road network and SRN, and whilst the additional floorspace that is considered within this letter could be considered to be within the daily variation of flows at the SRN, there is an overall quantum of development which needs to be considered in its entirety, rather than on a piecemeal basis.

ADC conclude that such modest traffic increases would not materially alter the traffic conditions in comparison to that currently permitted under Condition 21 of the planning permission.

Having reviewed the information provided by ADC, National Highways are of the opinion that the occupation of the unit can come forward, in advance of the agreed mitigation scheme being delivered. However, National Highways has concerns regarding the timescales of delivery of the agreed mitigation scheme.

It is acknowledged that the previous planning permission – 2016/92298 – has further floorspace allied to other units as part of the consented floorspace. As such, should any further planning applications come forward, looking to alter or vary the previous planning permission or floorspace, National Highways are un-likely to look favourably upon determining any such applications until the agreed mitigation scheme is delivered. This approach is to protect National Highways' interests with regards the safe and efficient operation of the SRN, and to ensure the agreed mitigation scheme is delivered in a timely manner.

I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Yours sincerely,

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