

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/92476 - Land at Owl Lane, Chidswell, Dewsbury		
Discharge of conditions 9 (street lighting), 10 (highway retaining structure), 15 (temporary waste arrangements), 19 (surface water drainage), 24 (noise), 25 (air quality), 26 (landscaping), 34 (Biodiversity Enhancement and Management Plan) and 35 (Biodiversity Gain Plan) of previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping and associated infrastructure		
Date Responded: 07 September 2023	Responding Officer: RM, MN	Responding Ref: WK/202326591
The following comments refer to the discharge of Conditions 24 (Noise) and 25 (Air Quality) ONLY which are within the remit of Environmental Health.		
Condition 24 (Noise)		
<p>The applicant has submitted a Noise Assessment authored by SLR dated February 2022 Ref 410.04993.00080. It states a baseline noise survey was undertaken from Tuesday the 17th to Wednesday the 18th of September 2019 from three monitoring locations as shown in figure 3.1. It is noted these dates are approx. 4 years ago but accepted. A summary of the results is given in table 3.2 which shows they are elevated primarily due to road traffic noise as stated in para 3.3. Modelling has been conducted for both daytime and night-time and these are reflected in figures 4.1, 4.2 and 4.3. Consideration has been given to the noise from the proposed spine road as part of the proposed development.</p> <p>For the development to meet with the external requirements of BS8233, modelling has been conducted with 1.8m high close boarded fencing as shown in figure 5.1. It shows the majority of the plots (96%) will meet with the upper guidance value of 55dB LAeq,T with the exception of plots 1, 11, 18, 30, 31, 163, 164, 243, 244 where the upper guidance value is exceeded by up to 8dB. These plots have been remodelled after increasing the height of the fences to 2.5m as shown in figure 5.2 resulting in all bar one plot (163) being below the upper guidance value. Unfortunately, the exceedance at plot 163 is not stated but reference is made to the guidance within BS8233 which recognizes these guideline values are not achievable in all circumstances but development should be designed to achieve the lowest practicable levels in these external amenity spaces.</p> <p>For the development to meet with the internal requirements of BS8233, a minimum specifications for the windows and ventilators is given in table 5.2. It shows a higher specification to the north and west elevations and a lower specification for the remainder of the site. Examples of suitable ventilators are given in table 5.3 with a caveat that the glazing attenuation specified in the report must be achieved by the glazing system as a whole, including all framing and furniture.</p> <p>The condition requires the report to specify the measures to be taken to protect the development from noise from the adjacent rugby ground and para 5.5 states <i>'In relation to noise from the rugby facilities, it is felt that while infrequent and occurring outside of the night-time period, noise from the facilities could potentially be perceptible and that mitigation advice outlined in this report would reduce impact of noise from the rugby facilities sufficiently'</i>. Whilst the stadium would typically be used weekly/bi weekly, the use of the adjacent artificial grass pitch is daily from 0900hrs to 2200hrs and we ask the applicant to submit a further/addendum</p>		

report to ensure this use is covered in the assessment.

Condition 25 (Air Quality)

To discharge Condition 25, an Air Quality Assessment (ref: 410.04993.00080) Version Rev1 Dated (November 2021) by SLR has been submitted.

The report details the impact of the development on existing air quality and assesses the likely impact that traffic generated by the development will have on local air quality and how this will impact existing and future sensitive receptors.

For the operational phase, detailed dispersion modelling using ADMS Roads (v5.0.1.3) was used to predict changes in pollutant concentrations due to additional vehicle trips caused by the development at 23 sensitive receptor locations. The assessment was undertaken in accordance with Defra guidance using the latest Defra Vehicle Emission Factors Toolkit (EFT v10.1) current at the time of writing, Defra background concentrations and monitored data taken from Kirklees Councils 2020 Annual Status Report (ASR). The traffic data provided by Via Solutions were also used in the model. Using this data, concentrations of NO₂, and PM₁₀ were predicted at receptors for the following scenarios:

- Baseline (verification) year 2019
- Future year without the proposed development (2028)
- Future year with the proposed development (2028)

The report concludes that concentrations of NO₂, and PM₁₀ are predicted to result in a negligible impact at all considered sensitive receptors and in accordance with the IAQM/EPUK (Institute of Air Quality Management/Environmental Protection UK) guidance, the overall effect is considered to be “not significant”.

In accordance with the West Yorkshire Low Emission Strategy – Technical Planning Guidance (WYLES), a damage cost calculation has also been undertaken to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with DEFRA guidance current at the time of writing and provides a five-year exposure value commencing from 2023 (the first phase of development) to the sum of £68,124. Table 7-1 of the assessment details the proposed mitigation and costings which is over and above the calculated damage costs and does not include the costs associated with the provision of EV charging.

Comment

Whilst we agree with the methodology of the assessment, the report was written in 2021. We require the applicant to confirm whether all nearby committed developments have been considered in the Air Quality Impact Assessment, as this is unclear.

We also require a revised cost damage calculation using the current Emission Factor Toolkit (EFT) and the most recent cost per tonne of emissions. For these reasons, condition 25 must remain until further notice.

Recommendations

Condition 24 (Noise)

As we require additional information from the applicant to fully satisfy the requirements of the

condition, we recommend condition 24 remains.

Condition 25 – Air Quality

As we require additional information from the applicant to fully satisfy the requirements of the condition, we recommend condition 25 remains.