Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/92651 - Land at Blackmoorfoot Road, Crosland Hill, Huddersfield, HD4 5NU		
Hybrid planning application comprising full application for erection of industrial units (use classes E(g)(ii-iii), B2, and B8) in Units 1 and 2, including ancillary offices, mezzanines, landscaping, parking and formation of new access, and outline application with all matters reserved for erection of industrial units (use classes E(g)(ii-iii), B2, and B8).		
Responding Date: **19th November 2024**	**Responding Officer:** **MN and NH**	**Responding Ref:** **WK202432746**

Comments

Noise

There are residential properties bordering the site and outline permission has been granted for the neighbouring land (2020/92546) and we have concerns about noise emissions from the proposed development affecting the amenity of any of the neighbouring occupiers. A condition is recommended for the submission of a Noise Impact Assessment which should cover all aspects of the development i.e. fixed mechanical plant including the substations, FLT/yard activity, deliveries etc. detailing the mitigation measures, where required, to prevent a loss of amenity.

AQ

The proposal is classed as a Major according to the West Yorkshire Low Emission Strategy (WYLES) and as such, an Air Quality Impact Assessment will need to be submitted.

Contaminated Land

Our records show that the site is potentially contaminated land (ref: 14/15) due to its former use/s. A Geoenvironmental Appraisal, prepared by Dunelm (dated 30th August 2024, ref: M30412_04_00), has been submitted as part 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 investigation revealed deep made ground across the site (>20m), with asbestos (chrysotile) identified in several of the made ground samples. No significant levels of inorganic or organic contaminants were found. Gas monitoring visits found elevated methane levels, and CS2-level gas protection measures have been recommended by Dunelm. The report also recommends further intrusive investigation after the demolition of the existing buildings to assess inaccessible areas. Remediation for this site is considered necessary.

While we generally accept the report, we would expect ground gas monitoring to be carried out under a range of weather conditions to account for seasonal variations in gas concentrations. This is particularly important given the former tipping onsite. Additionally, we expect the gas assessment to include commentary on any piling and any planned earthworks given the depth of the made ground identified. Lastly, it is unclear whether laboratory sampling has been conducted on the mounds noted during the site walkover.

Overall, we recommend contaminated land conditions for the site. Any future supplementary

investigation should address the points raised here, provide additional information for previously inaccessible areas, and include a revised risk assessment and conceptual model.

CEMP
A condition is recommended for the submission of a Construction Environmental Management Plan o protect the amenity of residents during the construction phase.

Electric Vehicle Charging Points (EVCPs)
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. The proposed site plan from KPP dated April 2024 Ref 2406 show a total of 29 EVCPs and a condition is recommended to secure this.

Lighting
We would expect full details of the lighting to be provided to ensure there is no stray glare affecting the amenity of neighbouring properties.

Hours of Use
The proposed hours of use are not stated and these will need to be controlled to protect the amenity of neighbouring properties. This information will be required and if deemed acceptable, secured by condition.

Recommended Conditions
Note - The Planning Officer must determine how these recommended conditions will be applied to each aspect of the application.

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 noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest 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 measures shall be thereafter retained.
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.

NF4 Competent Person - Footnote
All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

AQIAC1 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 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 occupation & 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 LP20, LP24, LP47 of the Local Plan.

AQIAF1 Air Quality Impact Assessment - Footnote
For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group document *Air Quality and Emissions - Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy 2016-2021*.

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.

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition
Further to the Geoenvironmental Appraisal, prepared by Dunelm (dated 30th August 2024, ref: M30412_04_00), groundworks (other than those required for a site investigation report) shall not commence until a supplementary 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.
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. 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.

CEMPC Construction Environmental Management Plan - Condition
Prior to development commencing, 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.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.
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 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 2.2 2024.

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 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:

- 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
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will 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 agreed dedicated facilities for charging electric vehicles are to be installed, maintained and 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 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

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.

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.

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.