

**Consultation Response from: KC Environmental Health (Pollution & Noise Control)**

**2025/93605 Land at Main Avenue, Cowlersley, Huddersfield, HD4 5US**

**Erection of 57 dwellings with access from new through road connecting Main Avenue and Windsor Road, and associated works, including engineering and landscaping**

**Responding Date:**  
**15<sup>th</sup> January 2026**

**Responding Officer:**  
**SR**

**Responding Ref:**  
**WK202539650**

**Comments**

Air Quality

In our earlier comments dated the 6<sup>th</sup> Of June 2025 we were unable to accept the Air Quality Assessment by Logica Group, ref: J10-16525A-10-F1, dated 14/03/2025 due to the lack of consideration of construction, within the report. The Construction Management and Mitigation Plan, dated July 2025, includes a Construction Dust Assessment by Logika Group, dated the 18<sup>th</sup> of 2025 July.

The dust assessment follows guidance within the Institute of Air Quality Management (IAQM) Technical Guidance. The report demonstrates that with the listed mitigation in place during construction, the impacts of dust emissions would be considered not significant.

We accept the information submitted and recommend a condition.

Contaminated Land

In our earlier comments dated the 6<sup>th</sup> Of June 2025 we accepted the Ground Appraisal Report by Apex Consulting Engineers (March 2025, 1152-GEO-GAR 001 Rev. 002), but required additional information regarding remediation.

In support of the application a revised Ground Appraisal Report by Apex Consulting Engineers, ref: 1152-GEO-GAR-001 Revision: 003, dated 17<sup>th</sup> June 2025 and a Remediation Strategy By Apex, ref: 1152-ACE-GEO-RS-003, Revision: 003, dated 2025/06/17 has been submitted.

The Revised Ground investigation report provides additional commentary in regard to contaminants encountered, the report author has undertaken statistical methodology, redesignating the risk associated in relation to the one sample of Arsenic at TP104, informing the area is not considered a hotspot and topsoil from the area is not contaminated. We note the proposals for additional sampling of the car park soils to determine their suitability for reuse. We remind the applicant that any soils intended for reuse as part of the development must be subject to rigorous chemical testing, and their suitability for the proposed end use must be clearly demonstrated in accordance with YALPAG guidance.

The revised Remediation Strategy report does not at this stage specify the depth of clean cover it informs a suitably competent Geo-environmental Engineer will be on site to assess all clean cover provision, segregation of stockpiles and testing to ensure YALPAG Guidance is followed. Any imported soils used as clean cover/topsoil should be subjected to quality checks by the Engineer, as per the requirements of YALPAG Guidance.

Based on the professional opinion of the report authors expressed in the Ground Appraisal Report by Apex Consulting Engineers, ref: 1152-GEO-GAR-001 Revision: 003, dated 17<sup>th</sup> June 2025 and a Remediation Strategy By Apex, ref: 1152-ACE-GEO-RS-003, Revision: 003, dated 2025/06/17, we have no objection to the application. A recommendation covering implementation of the remediation strategy, unexpected contamination and validation are recommended.

### **Recommended Conditions**

#### **DUST1 Implement agreed Dust Mitigation Scheme – Condition**

Before any demolition and/or construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and/or construction phase of the development shall be implemented in accordance with those detailed in the Construction Dust Assessment by Logika Group, dated the 18<sup>th</sup> of 2025 July (appendix 4 of The Construction Management and Mitigation Plan, dated July 2025), and retained for the duration of the demolition and/or 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

#### **CLC4 Implementation of the Remediation Strategy - Condition**

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy By Apex, ref: 1152-ACE-GEO-RS-003, Revision: 003, dated 2025/06/17. 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 197 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 197 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.

**Informative**

The planning Officer is reminded a condition regarding implementation of noise mitigation was recommended NC1 on our earlier response dated 5<sup>th</sup> February 2025