

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/90517 - Land off Forge Lane, Thornhill Lees, Dewsbury, WF12
Outline application, including the consideration of access and layout, for two commercial units (use class B2 and/or B8) and associated works
**Responding Date:
15 July 2025**
**Responding Officer:
Mohammed Nasim**
**Responding Ref:
WK202519613**
Comments
Air Quality

The site of the outline application is situated some 850m from an existing Air Quality Management Area (AQMA 2). It is considered that some of the vehicles associated with the development will have the potential to impact this area and nearby sensitive receptors. In support of the application an Air Quality Assessment by NoiseAir, ref:-P7974-R2-V1, dated the 6th of December 2024 has been submitted.

The application form provides limited detail, it is not yet know if the buildings will be used for industrial and/or warehousing. Although the number of car parking spaces stated in the application appears to match the accompanying plans we are not accurately informed about other vehicle numbers or movements. The plans show a number of bays for HGV'S at both buildings.

The report considers the impact that the outline proposal will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance, the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify all potential sources of dust during the construction phase. The report informs, no demolition is required on site. Earthworks include the creation of an earth bund on site with an assumption that 5-10 heavy earth moving vehicles will be operational.

Construction assumes building volume between 12,000-75,000m³ utilising materials including concrete.

Trackout, the report informs the risk of dust generation is considered at worst case to be large.

The report concludes that the residual impact of dust during the construction phase is considered to be not significant if all the mitigation methods listed within Section 6 are applied. We have concerns that the report author has no control over the mitigation as no evidence has been presented demonstrating the applicant has agreed to implement the mitigation in full, indeed it is stated in the report that the contractor for the project has not been determined.

Operational Phase

An assessment was undertaken using the criteria contained within the IAQM guidance to determine the potential for trips generated by the development to affect local air quality. Background pollutant data for the operational phase assessment have been taken from the national maps provided on the Defra. Baseline data considers monitoring results from Kirklees councils stations located on roadside points 30,70 and 19 which are located within the current AQMA 2, monitored NO₂

Concentration ($\mu\text{g}/\text{m}^3$) 2023, are 38.2, 29.9 and 33.0 $\mu\text{g}/\text{m}^3$, respectively.

The report quotes figures from the transport assessment, namely: -“ They confirmed that the trip generation associated with the Proposed Development is 283 additional vehicle movements, 46 of which are HGVs.”. Having looked at the transport assessment it must be noted this report is based on industrial use of the proposed units not warehousing.

The report author has not considered the possibility of a future reserved matters application including a use for the site that may generate pollution.

The report goes on to inform the proposed development as medium using the tool within the WYLES Air Quality and Emissions Technical Planning Guidance Planning Document. The report lists the Type 2 mitigation measures from the WYLES document.

The report concludes the air quality impacts are considered negligible in accordance with the EPUK and IAQM guidance.

Whilst we agree with the methodology and largely accept the report we have concerns that if both units are used for warehousing the numbers of vehicle movements could be higher than what is currently estimated. We do not have confidence that all mitigations listed could be implemented or are applicable as such limited information is available. The report provided is relying on estimates and does not appear to offer a worst case scenario.

We would recommend that a condition to provide a full Air Quality Impact Assessment (AQIA) is applied.

Construction Management

As we are not fully confident in the air quality assessment I am unable to advise on an appropriate condition. We would normally require a CEMP - Construction Environmental Management Plan to include the mitigation listed within the air quality assessment.

Noise

A Noise Impact Assessment authored by NoiseAir dated 18 December 2024 Ref P7974-R1-V1 has been submitted for the proposed construction of 2 no. industrial/ warehouse units totalling 10,100m² as shown in figure 2. It describes the immediate environment with both residential and industrial/commercial uses nearby.

A noise monitoring survey was conducted between the 9th and the 12th of November 2024 from a single monitoring location (ML1) as shown in Figure 3 and a summary of the findings is given in figures 4, 5 and 6.

There are no details on the proposed use nor the construction and so modelling has been conducted based upon the details within figure 7. We note there is no key to show the respective wall numbering on the plan in figure 2. Library data has been used for typical HGV operations and uses as shown in table 3 and modelling has been conducted for both unmitigated and mitigated scenarios as shown in the figures within section 4 relating to façade levels at the nearest noise sensitive receptors (NSRs).

A BS4142 assessment has been conducted based upon scenario 1 (unmitigated) and scenario 2 (mitigated) and table 8 gives the specific sound levels for each scenario. However, we note a discrepancy with the unmitigated night time figure given as 39dB but the highest number within table 6 is 40.7dB (41dB) for NSR19. After applying a +3dB correction for intermittency, table 9 shows a significant effect for daytime (and with the adjusted figure, this is also applicable to night time) unmitigated and an adverse effect for both daytime and night time when mitigated. The report proceeds to state that mitigation measures will be required.

We accept that noise breakout from within the buildings can be controlled with appropriate construction and sound insulation but the fact there are exceedances from the external operations is a concern. The use of a noise management plan is welcomed but we believe the recommendations that speed be restricted to 7mph and restricting vehicle idling are not mitigation measures and so further consideration will need to be given to the proposal in order to ensure there is no loss of amenity through the proposed use.

Comment is made that due to a lack of substantial information, it is not possible for the author of the report to provide a detailed and accurate assessment of noise emissions from the site and it is recommended that once plans are finalised, a new noise impact assessment is carried out.

Hours of Use

No hours of use have been provided and we ask the Planning Officer to consider suitable hours dependent upon the proposed use.

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 submitted design & Access Statement from KS Architects states there are to be a total of 62no. parking spaces. A condition requiring 10% of the total number of parking spaces to have charging points is therefore necessary.

Recommended Conditions

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 the development is brought into use & 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.

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.

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.

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.