

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91184 land off Bretton Street, Savile Town, Dewsbury, WF12 9BZ		
Erection of two storey industrial unit (Use Class E(g)(iii)), with associated car park, service area and other associated works		
Responding Date: 28th October 2025	Responding Officer: SR	Responding Ref: WK202532407
<p><u>Comments</u></p> <p>Contaminated Land</p> <p>In support of the application the following documents have been submitted:</p> <ul style="list-style-type: none"> Phase I Geo-Environmental Site Assessment, authored by ERGO Environmental Ltd, Ref: 25-2269-r01, dated March 2025 Phase 2 Geo-environmental Investigation authored by ERGO, ref: 25-2269-r01/RevA, dated September 2025 <p>These documents include geotechnical information which is outside the remit of Environmental Health. This response focuses solely on the land contamination aspects of the reports.</p> <p><u>Preliminary Risk Assessment</u></p> <p>The submitted contaminated land phase 1 report by Ergo Environmental Limited, Report Ref: 25-2269-r0, Date Issued: March 2025. Our mapping indicates the site is not listed as potentially contaminated; however, it is in close proximity to identified sites and close to historic landfilling.</p> <p>A site walkover (no date), has been undertaken and site photographs are presented within Appendix IV. The site is described as unmaintained grassland. A site scrape was noted adjacent to NGN infrastructure in the eastern site area with evidence of fly-tipped/windblown wastes.</p> <p>The report reviews historical Ordnance Survey mapping from 1855 onwards, informing the site has been affected by the canal and a gas pipeline over time. Considerable development has occurred adjacent the site.</p> <p>A summary of the Geological information informs: - Made ground, Alluvium - Clay, Silt, Sand & Gravel within the eastern site area with River Terrace Deposits - Sand & Gravel within the western site area. Bedrock Geology is shown to be Pennine Lower Coal Measures Formation - Sandstone, Mudstone & Coal.</p> <p>The author has obtained a MRA Mining Report (Ref: 51003482379001) dated February 2025. The report author has consider all the information and determined a low risk to the proposed development from historic mining activities. No further assessment is considered to be required.</p> <p>A preliminary conceptual site model (CSM), is presented in Section 7. It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages</p>		

identified.

We accept the report.

Phase 2 Intrusive Investigation

A Phase 2 Geo-environmental Investigation authored by ERGO, ref: 25-2269-r01/RevA, dated September 2025 has been received in support of the application, we have reviewed the report.

The report describes the findings from fieldworks undertaken in April 2025. These included windowless boreholes, boreholes with gas and groundwater monitoring, and the retrieval of soils for laboratory analysis and screening. The fieldwork revealed strata conditions of made ground across the site to maximum depth of 1.5m followed by sand and clay layers. The laboratory testing and screening confirmed soils tested were free of asbestos and within the screening values for the suite of chemicals analysed. Results are summarised in table 5.1, with full laboratory results presented in appendix V.

Table 4.8 summarises gas data, showing gas monitoring over six visits, absence of methane, peak carbon dioxide at 1.4% v/v, atmospheric pressure between 969 - 1024 mb, falling pressure was observed on a number of occasions. The consultant has classified the site as Characteristic Situation Level 1.

The revised conceptual site model is presented in Table 5.5 indicating a low risk to controlled waters, soils are considered suitable for reuse within the commercial site setting and a gas Characteristic Situation Level 1, indicating remediation is not necessary, however a watching brief is advised for unexpected contamination during construction.

We accept the report and recommend a condition in relation to unexpected contamination.

Air Quality

The proposed development is not located within an Air Quality Management Area; the total floor area of the building footprint is 2410m² and the total site area is 8470m². The plan shows 18 car parking spaces with a turning area for HGV's.

An Air Quality Assessment by Rappor, dated September 2025 has been submitted in support of the application.

The report details the impact that the development 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 guidance, such as Environmental Protection UK Guidance (EPUK), and the Institute of Air Quality Management (IAQM) Technical Guidance.

Construction Phase

A qualitative construction phase dust assessment was undertaken in accordance with Institute of Air Quality Management guidance. The report demonstrates that with the listed mitigation in place during construction the impacts of dust emissions would be considered not significant.

Operational Phase

The report considers potential impacts during the operational phase, both in terms of vehicle and plant emissions; and assesses the risk of exposure of future users of the site to poor air quality. The report considers the trip generation and size of the development concluding it exceeds the stage 1 criteria set out in IAQM and EPUK guidance. We are informed the proposed development will generate an additional 71 trips as a 24 hour AADT, of which 12 will be HDVs. The trip generation falls below the relevant Stage Two screening criteria of 500 LDVs and 100 HDVs outside an AQMA.

The Stage Two criteria are not exceeded, a detailed assessment of the impact of the proposed development on local air quality is not required, and the proposed development is considered to have an insignificant effect. Whilst the consultant has not considered the West Yorkshire Low Emissions Strategy (WYLES), it has offered the following mitigation, which aligns with the mitigation required within WYLES: -

- Preparation of a Travel Plan to promote active and sustainable travel to the Site for staff and visitors.
- Installation of Electric Vehicle charging points in accordance with Building Regulations to promote uptake of low emission vehicle technologies.

Comment

We agree with the overall methodology and approach of the air quality assessment; we accept the conclusions of the report. We have already recommended a condition for Electric vehicle charging points, which is within the remit of Environmental Health, we recommend this condition remain, we also recommend a condition to secure the Dust mitigation within the assessment.

Recommended Conditions

The planning Officer is reminded that the recommendations in our response dated 27th August 2025 in relation to noise and electric vehicle charging points remain.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a

Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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.

DUST1 Implement agreed Dust Mitigation Scheme – Condition

Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Appendix D of the Air Quality Assessment by Rappor, dated September 2025 and retained for the duration of the 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

CSC1 Construction Site Working Times - Condition

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.

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

CSF1 Construction Sites working times – Footnote

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.