



## Planning, Design & Access Statement

Land at Gelderd Road, Birstall, Batley, WF17 9DT

**Tesla Motors Ltd**

CRM.3030.020.PL.R.001



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## Planning, Design & Access Statement

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## 1.0 Introduction

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### 1.1 Introduction

1.1.1 Enzygo Ltd have been instructed on behalf of our client, Tesla Motors Ltd ('the Applicant'), to submit a full planning application to the Local Planning Authority ('LPA'), Kirklees Council ('the Council') in relation to Land at Gelderd Road, Birstall, Batley, WF17 9DT (thereafter referred to as 'the site'). The proposed development is for 32no. Tesla electric vehicle (EV) ultra-rapid (150kW+) charging points (universally compatible with standard European sockets – CCS2 Connectors 'Combined Charging System'), supercharger equipment cabinets, substation infrastructure, hard and soft landscaping, ancillary customer amenity block, solar canopies and provision of connecting customer stairwell to Birstall Retail Park.

1.1.2 The description of development is as follows:

*“Development and operation of an electric vehicle ultra-rapid charging hub – comprising chargepoint upstands, supporting electrical equipment including substations and cabinet infrastructure, hard and soft landscaping, an ancillary amenity block, site lighting, CCTV and access improvements”*

1.1.3 The site falls within the administrative boundary of Kirklees Council and comprises a derelict building, surrounding hardstanding and vegetation. The site is located c. 340m south of J27 of the M62 – a major UK highway identified as lacking in ultra-rapid EV charging infrastructure. The site is also located in proximity to the A650 to the north which is a main route in West Yorkshire located approx. 450m to the north.

1.1.4 The development would strengthen the existing infrastructure on the strategic road network to support the increasing usage of electrical vehicles. Electrical vehicle charging points form vital infrastructure in facilitating the transition to ultra-low emission vehicles and securing the Governments net zero carbon targets for the transport sector.

1.1.5 The Site Location Plan is appended at **Appendix A**.

### 1.2 Report Format

1.2.1 This Planning, Design and Access Statement is divided into the following sections:

- **Chapter 1** – Introduction
- **Chapter 2** – The Need for Electrical Vehicle Charging Infrastructure
- **Chapter 3** - Site Context & Environment
- **Chapter 4** – Development Proposals
- **Chapter 5** – Planning Policy & Material Considerations
- **Chapter 6** - Planning Assessment & Environmental Impacts
- **Chapter 7** – Conclusion and Summary

### 1.3 Contents of this Planning Application

1.3.1 The Planning Application contains the following documents:

- Completed Planning Application Forms
- Completed Ownership Certificates
- Application Drawings
- Planning, Design & Access Statement
- Ecological Impact Assessment (EclA)
- BNG Calculation
- Arboricultural Survey
- Arboricultural Impact Assessment
- Soft Landscaping Plan
- Transport Statement
- Stage 1 Road Safety Audit
- Drainage Strategy
- Geoenvironmental Preliminary Risk Assessment
- Coal Mining Risk Assessment

## **1.4 Pre-Application Advice**

- 1.4.1 A pre-application advice request was submitted to the Council and advice issued on 24<sup>th</sup> March 2025 (ref. 2024/21338). The pre-application advice of Kirklees Council is appended at **Appendix B**.

## 2.0 The Need for Electric Vehicle Charging Infrastructure

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### 2.1 Climate Emergency

- 2.1.1 The '**Climate Change Act 2008**' brought in the legislative basis for the United Kingdom to reduce net greenhouse gas emissions by at least 80% by 2050 from their 1990 levels.
- 2.1.2 The target included in the 'Climate Change Act 2008' was strengthened in June 2019 to be a 100% reduction relative to 1990 levels by 2050 (known as "net zero").
- 2.1.3 The clear and explicit need to introduce a step change in how the UK reacts to Climate Change has been recognised by UK Parliament who, on 1st May 2019, declared an Environmental and Climate Change Emergency<sup>1</sup>.
- 2.1.4 Despite the overall decline, the transport sector remains the UK's largest emitter of GHGs. In 2023, domestic transport emissions decreased by approximately 1.4%, reaching an estimated 112 million MtCO<sub>2</sub>e. This marks a 27% reduction compared to 2005 levels.
- 2.1.5 Road transport is the primary contributor, accounting for 91% of transport emissions. Within this category, cars are the most significant source, responsible for 52% of emissions. Heavy Goods Vehicles (HGVs) and vans contribute 19% and 16%, respectively.
- 2.1.6 The adoption of electric vehicles (EVs) is gradually impacting emission trends. In 2023, the number of battery electric vehicles (BEVs) in use increased by nearly 47.3% compared to 2022, totalling 960,896 cars. This growth contributed to a 2.1% decline in average car CO<sub>2</sub> emissions.
- 2.1.7 The UK's Climate Change Committee (CCC) has highlighted the transport sector as a critical area requiring accelerated action to meet net-zero targets. In its **2024 Progress Report to Parliament**<sup>2</sup> and the Seventh Carbon Budget, the CCC emphasised the necessity of a rapid transition to electric vehicles (EVs) and the implementation of supportive policies to reduce emissions effectively. The CCC projects that by 2040, 80% of cars, 74% of vans, and 63% of heavy goods vehicles (HGVs) on UK roads should be electric. Achieving these targets necessitates a significant increase in EV sales, with expectations that new EVs will comprise 95% of car and van sales by 2030 and reach 100% by 2035.
- 2.1.8 The CCC emphasises the importance of expanding charging infrastructure in order to support the transition from petrol and diesel cars to electric vehicles.
- 2.1.9 Reflecting this, the UK Government has introduced a number of policies and initiatives aimed at cutting exposure to air pollutants, improving local air quality and reducing greenhouse gas emissions. In August 2021, the Government announced plans to accelerate the phasing out of petrol and diesel cars. This will involve:
- Sales of new petrol and diesel cars and vans will be phased out by 2030 (now 2035);
  - New cars and vans have to be fully zero emission at the tailpipe from 2035;

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<sup>1</sup> <https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/climate-change/london-climate-action-week-events/responding-climate-emergency-role-parliament#:~:text=On%201%20May%202019%20the,to%20declare%20a%20climate%20emergency.>

<sup>2</sup> <https://www.theccc.org.uk/publication/progress-in-reducing-emissions-2024-report-to-parliament/>

- Between 2030 and 2035, new cars and vans can only be sold if they have the capability to drive a significant distance with zero emissions (for example, plug-in hybrids or full hybrids).
- 2.1.10 At a local level, Kirklees Council unanimously supported a proposal to prioritise responding to climate change, declaring a climate emergency in January 2019. In November 2022 the council adopted the Climate Change Action Plan outlining the steps they will take to become carbon neutral by 2030.
- 2.1.11 The '**Clean Growth Strategy**' was published by the Department for Business, Energy and Industrial Strategy ("BEIS") in October 2017<sup>3</sup>. The Strategy sets out how it envisages the delivery of the clean, green economic growth needed to combat global warming. It identifies the policies necessary to drive a significant acceleration in the pace of the UK's decarbonisation to achieve the 2032 carbon budget targets that in turn will keep us on track to achieve the net zero target by 2050.
- 2.1.12 One of the key focusses of this strategy is to develop one of the best EV charging networks in the world. This includes investing £80 million, alongside £15million from Highways England to support charging infrastructure deployment. However, it is stated that significant investment from the private sector is needed to aid this transition.
- 2.1.13 The Government published its '**Net Zero Strategy: Build Back Greener**' in October 2021<sup>4</sup> which sets out how the UK Government plans to deliver its emissions targets of Net Zero in 2050 and a 78% reduction from 1990 to 2035 (-63% relative to 2019). It puts forward an achievable and affordable vision that will bring net benefits to the UK.
- 2.1.14 Whilst there are a range of ways in which net zero could be achieved in the UK, the Strategy sets out a delivery pathway showing indicative emissions reductions across sectors to meet targets up to the sixth carbon budget (2033-2037).
- 2.1.15 One of the key transport policies set out in this strategy is £620 million for zero emission vehicle grants and EV infrastructure, with a particular focus on providing local and on street charging facilities for EVs.
- 2.1.16 The UK Government published the report, '**Building a Comprehensive and Competitive Electric Vehicle Charging Sector That Works for All Drivers**' in July 2021<sup>5</sup>, which evaluates how the EV charging infrastructure sector is developing and whether the sector left to its own devices can deliver what is needed. While some parts of the sector are developing relatively well (such as rapid charging at destinations like shopping centres and charging at home or work), other parts are lagging behind.
- 2.1.17 The Report found that in order for the transition to EVs to happen and be sustained, it is essential that there is a comprehensive and competitive EV charging network in place. If the charging network is perceived as inadequate, that will be a major barrier to EV take-up.

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<sup>3</sup> <https://www.gov.uk/government/publications/clean-growth-strategy>

<sup>4</sup> <https://www.gov.uk/government/publications/net-zero-strategy>

<sup>5</sup> <https://www.gov.uk/government/publications/electric-vehicle-charging-market-study-final-report/final-report>

- 2.1.18 There will also need to be a suitable mix of different types of charging spread across the UK. While many people will regularly charge at home or work (if they can), a sufficient range of public charging is important to encouraging EV-take up.
- 2.1.19 The **UK Electric Vehicle Infrastructure Strategy** (published March 2022)<sup>6</sup> was commissioned due to concerns around the growing disparity between the number of EV vehicles on the road, and the number of EV charging points across the country. It is feared that EV uptake in the UK would become constrained by the lagging rollout of supporting infrastructure. The pace of rollout is too slow – even the recent surge in charge point deployment is not at a pace consistent with what is needed for a wholly zero emission new car fleet in 2035.
- 2.1.20 The EV Infrastructure Strategy sets out the vision for 2030, stating that the UK government will remove charging infrastructure as both a perceived, and a real, barrier to the adoption of electric vehicles (EVs). EV charging should be cheaper and more convenient than refuelling at a petrol station. **By 2030, the UK government expect there will be a need for around 300,000 public charge points as a minimum in the UK, but there could potentially be a need for more than double that number.**
- 2.1.21 The UK EV Infrastructure Strategy states that the UK Government will consider what further role Planning Practice Guidance (PPG) can have in ensuring the delivery of EV infrastructure is appropriately supported by the planning system.

## 2.2 Need for EV Charging Infrastructure

- 2.2.1 As set out, in order for the transition to EVs to happen and be sustained, it is essential that there is a comprehensive and competitive EV charging network in place, one that people can trust and they are confident using – much like filling up with petrol or diesel. If this is not the case, and the charging network is perceived as inadequate, or as not offering a fair deal to people, that will be a major barrier to EV take-up.
- 2.2.2 There will also need to be a suitable mix of different types of charging spread across the UK. While many people will regularly charge at home or work (if they can), a sufficient range of public charging is important to encouraging EV-take up. Rapid charging on longer journeys (such as on motorways and in remote areas) and on-street charging at the kerbside (for those without a driveway or garage) will be particularly important.
- 2.2.3 The **UK government's collection of electric vehicle charging infrastructure statistics**<sup>7</sup> provides detailed insights into the development and distribution of public charging facilities across the country. These statistics are published quarterly and are based on data sourced from the electric vehicle charging platform Zapmap<sup>8</sup>.
- 2.2.4 These statistics are considered in the context of the UK Electric Vehicle Infrastructure Strategy (2022), which aims to provide 300,000 publicly available chargers by 2030.

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<sup>6</sup> <https://www.gov.uk/government/publications/uk-electric-vehicle-infrastructure-strategy>

<sup>7</sup> <https://www.gov.uk/government/collections/electric-vehicle-charging-infrastructure-statistics>

<sup>8</sup> <https://www.zap-map.com/>

- 2.2.5 As of 1<sup>st</sup> January 2025, there were 73,334 public EV charging devices installed in the UK, marking a 5% increase from October 2024. Against the government target, this would require an increase in public chargepoints by 226,666 by 2030.
- 2.2.6 Of the 73,334 public charging devices installed, 14,448 devices (20%) were rated at 50kW or above, classified as rapid chargers.
- 2.2.7 With increasing consumer demand and the greater availability of electric models, the number of electric cars in the UK is growing at a rapid rate. As of April 2025, the UK has surpassed 1.5 million fully electric cars on its roads, accounting for approximately 4.4% of the nation's total car fleet, which comprises around 34 million vehicles. This marks a significant increase from the 396,945 electric cars recorded at the end of 2021, reflecting more than a threefold growth in just over three years.
- 2.2.8 As electric car sales continue to rise so does the demand for electric charging in the UK. Most early adopters primarily relied on home EV charging (some people still do), but with more people making the switch to EVs, there is a real need for more accessible public charging points. The continual increase reinforces the need for a reliable EV charging network within the Borough and across the UK. As such, the proposed development would strengthen the existing infrastructure on the strategic road network to support the increasing usage of electrical vehicles. Electrical vehicle charging points form vital infrastructure in facilitating the transition to ultra-low emission vehicles and securing the UK Government's net zero carbon targets.
- 2.2.9 A good supply and distribution of EV charging points is essential to encourage more drivers to purchase electrical vehicles and use them on a day-to-day basis. Specifically, locating charging points on major highways and arterial routes near convenient and desirable amenities, such as the proposed location. En-route charging points are currently the 4th most prevalent type of charging point – behind 'destination', 'on-street' and 'other', accounting for 6.9% of all EV chargers<sup>9</sup>.

### **2.3 Existing Local Coverage & Demand for New Charging Infrastructure**

- 2.3.1 At present, Birstall Retail Park is undersupplied in EV charging infrastructure. The closest publicly accessible charging is an InstaVolt rapid charger at McDonald's, Centre 27 Leisure Park (WF17 9TB), approximately 0.3 miles away. This single unit offers CCS (160 kW) and CHAdeMO (60 kW) connectors. This charger is insufficient to meet the demands of retail park visitors and users of the M62. Elsewhere within the Retail Park, there are 5 ultra-rapid and 3 fast chargers.
- 2.3.2 Even along the busy M62 corridor, the nearest substantial charging hub is Hartshead Services (HD6 4JX). This hub offers a mix of EV charging infrastructure, however it falls short of meeting the demands of busy motorway users and must be supported by additional charging inf located within close proximity to the M62.
- 2.3.3 The M62 is one of the UK's most critical strategic transport corridors, linking Liverpool in the west to Hull in the east, and passing through key urban centres including Manchester and Leeds. Near Leeds, the M62 forms part of the wider Trans-Pennine transport spine, supporting the movement of people, goods, and services across the North of England. The section around

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<sup>9</sup> <https://www.gov.uk/government/statistics/electric-vehicle-public-charging-infrastructure-statistics-april-2024/electric-vehicle-public-charging-infrastructure-statistics-april-2024>

Junction 27—located approximately 200 metres from the application site—is particularly significant, as it connects to the M621, providing direct access into central Leeds, and forms a key interchange with the A650 and A62, linking major employment and retail destinations across West Yorkshire.

- 2.3.4 This stretch of the M62 experiences very high traffic volumes. According to National Highways traffic counts, the section near Junction 27 carries in excess of 130,000 vehicles per day, making it one of the busiest parts of the motorway network outside London. This results in sustained pressure on transport infrastructure and increasing demand for accessible electric vehicle (EV) charging provision to support the shift to low-emission transport.
- 2.3.5 Given the strategic location of Birstall Retail Park adjacent to this high-traffic corridor, the proposed EV charging hub is ideally placed to serve both through-traffic and local demand. It will provide a crucial charging node on a nationally important corridor, helping to address network gaps and support regional decarbonisation goals. The development will provide a form of ultra-rapid en-route EV charging, as well as destination-based EV charging supporting the Birstall Retail Park.

## 3.0 Site Context & Environment

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### 3.1 The Site

- 3.1.1 The application site lies within the administrative boundary of Kirklees Council on land comprising a derelict building, hardstanding and vegetation off Gelderd Road. The application site is situated at Grid Reference 423658 (X) 427667 (Y).
- 3.1.2 The site comprises a derelict building, hardstanding and vegetation adjacent to Birstall Retail Park. Google Earth imagery indicates that the last 'active' use of the site was back in 2003. The site is overgrown with some tree cover along the site boundaries.
- 3.1.3 The site is situated off the A62 Gelderd Road which runs from Manchester to Leeds and is c. 200m from the M62 motorway to the north. The site also lies in proximity to the A650 highway between Keighley to Wakefield which also lies to the north of the site.

### 3.2 Site Access

- 3.2.1 There is an existing access that leads onto Gelderd Road which serves as a dual-carriage way to the retail park and the M62.

### 3.3 Planning History

- 3.3.1 Upon review of the planning history, the last granting of planning consent was for B1 business class use in 1988.



Figure 3.1. Aerial Image of the Application Site



Figure 3.2. Site Context

### 3.4 Designations and Constraints

#### Local Plan Allocations

3.4.1 The application site is unallocated within the Kirklees Local Plan (KLP).

#### Ecological Constraints

3.4.2 There are no SSSIs, SACs or SPAs within the site or its immediate surrounds.

3.4.3 The site is located within a Biodiversity Opportunity Zone (Policy LP30) and is described as a 'Built-Up Area' on the Council's Policies Map.

#### Landscape Designations

3.4.4 The site is not subject to any landscape designations.

#### Hydrological Constraints

3.4.5 According to the Environment Agency's Flood Map for Planning, the site is positioned within Flood Zone 1, the area at least risk of flooding, and in an area of low risk for surface water.

#### Heritage

3.4.6 There are no listed buildings in the vicinity of the site.

3.4.7 Birstall Conservation Area is located approx. 1.5km to the southwest.

#### Sensitive Human Receptors

3.4.8 There are no noise sensitive receptors that would be affected by the proposal.



**Figure 3.3. Existing Building [To Be Demolished]**



**Figure 3.4. Existing Site [Viewed from Gelderd Road]**



**Figure 3.5. Existing Site Entrance**

## 4.0 Development Proposals

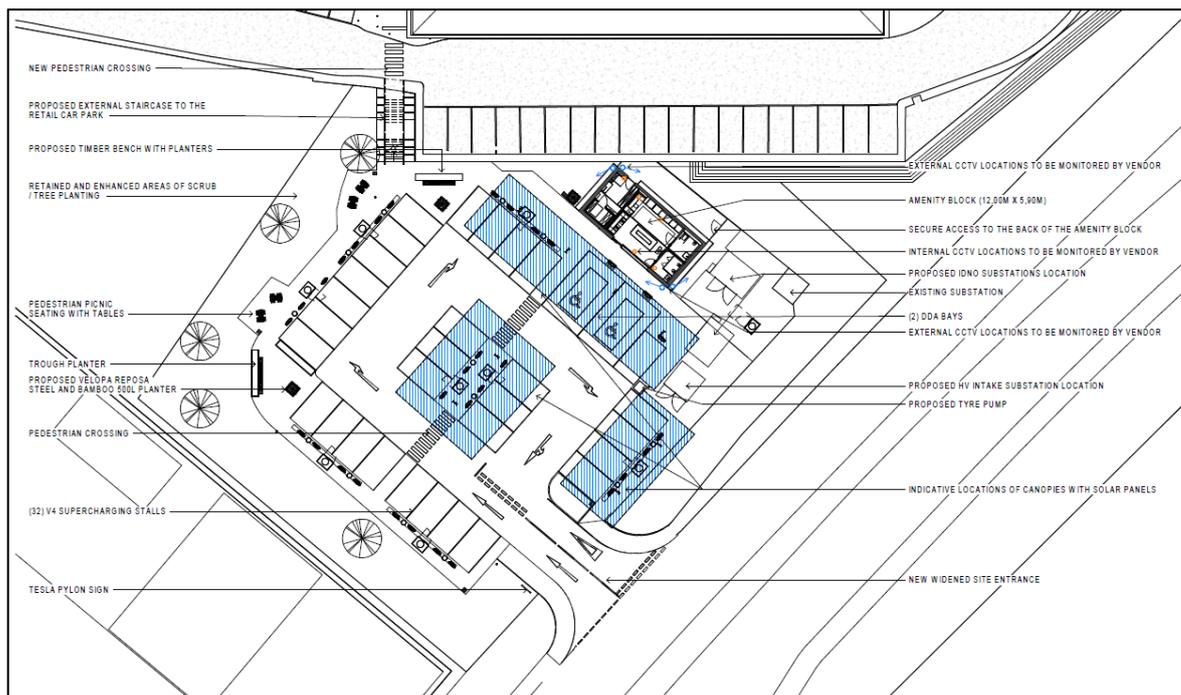
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### 4.1 Introduction

- 4.1.1 This combined Planning Statement and Design and Access Statement supports a planning application made by Tesla Motors Ltd for the development of 32no. electric vehicle (EV) ultra-rapid (150kw+) charging points [universally compatible for standard European sockets – CCS2 Connectors ‘Combined Charging System’], supercharger equipment cabinets, substation infrastructure, ancillary equipment cabinets, hard and soft landscaping, an ancillary amenity block, lighting and CCTV.
- 4.1.2 Tesla V4 chargers are fully compatible with other electric vehicles with a standard European socket – expanding the public benefit to support the entire EV market.
- 4.1.3 Ultra-rapid charging is an essential technology to support the ULEV market as the transport sector looks to decarbonise to meet net zero objectives. Ultra-rapid chargers are the fastest way to charge an EV, often found at motorway services or locations close to main routes.
- 4.1.4 Developing ultra-rapid EV charging is important for the following reasons:
- **For its speed of charge** – Drivers fill up quickly and move on. It makes charging more convenient and significantly reduces range anxiety – both of which are cited as main factors in hindering widespread EV adoption.
  - **To attract customers** – Drivers will prefer an EV rapid charger for a quick top-up. Ultra-rapid chargers improve the customer experience for the EV community.
  - **For ease of use** – Shorter dwell times. Quick, reliable and convenient charging experience.
  - **To future-proof EV charging infrastructure** – As battery innovation continues, EVs will become more efficient and need a quicker charge.
- 4.1.5 Within this chapter, the nature of the development and details of the plant and equipment to be located on the site is provided.

### 4.2 Site Layout

- 4.2.1 The plans accompanying this application show the site layout in detail. The following equipment is located within the red line boundary:
- 32no. EV charging stands [1.95m x 0.75m x 0.33m] [H x L x W] (incl. 2 DDA bays)
  - 3no. DNO substations with metering cabinets [2.44m x 3.95m x 2.95m] [H x L x W]
  - Customer amenity block (incl. toilet & vending machine)
  - Solar canopies
  - Customer seating areas
  - Lighting columns
  - CCTV
  - Site signage
  - Underground connection cabling
  - Improved vehicular access
  - Connecting stairwell to Birstall Retail Park
  - Soft landscaping proposals



**Figure 4.1. Proposed Site Layout**



**Figure 4.2. Site Illustration Plan**

**4.3 Access and Car Parking**

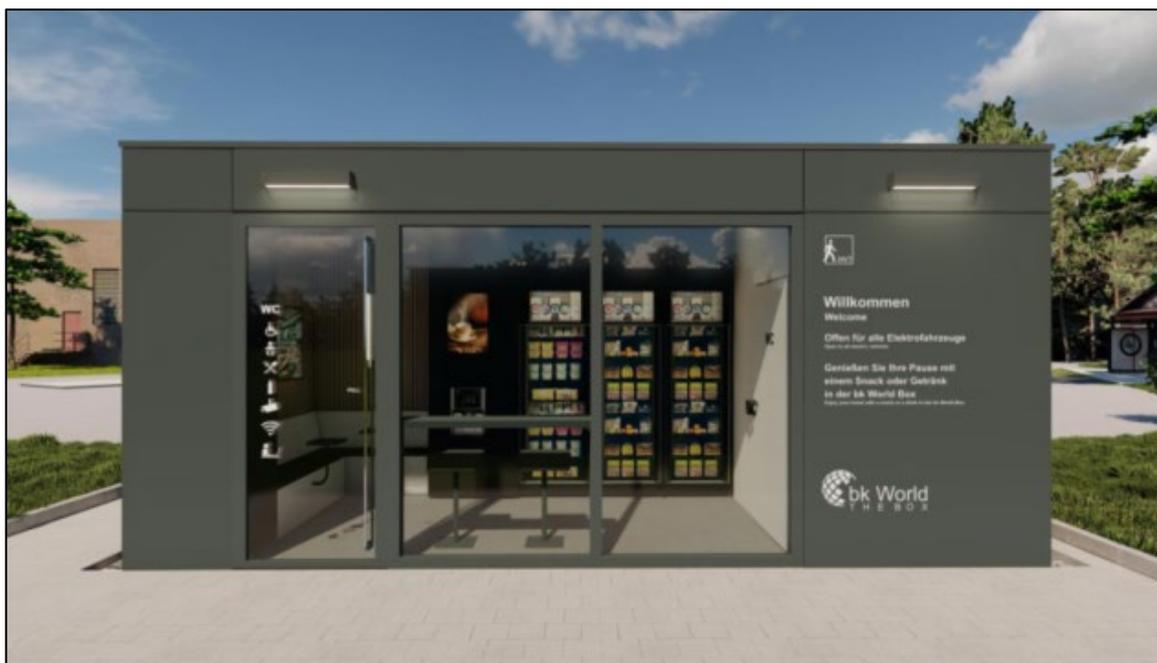
4.3.1 Vehicular access to the proposed EV charging area will be via the existing central access point from Dudley Port.

#### **4.4 Lighting Design**

- 4.4.1 It is proposed to install 4no. LED light fittings on 6m poles.
- 4.4.2 There are no sensitive land uses within the vicinity of the development, so there would be no amenity issues as a result of the proposed lighting strategy.

#### **4.5 Customer Amenity Block**

- 4.5.1 The proposed EV chargers will be 24/7 operational – a requirement to facilitate night-time EV usage. The proposed development includes an ancillary customer amenity block, consisting of a single toilet and vending machine providing food and drink.
- 4.5.2 Customers may find it difficult to locate toilet facilities at certain hours. Not only is the amenity block proposed for the convenience of users; it would reduce health and safety concerns and improve site cleanliness and prevent public disorder.
- 4.5.3 The lounges are currently located at various fast-charging sites across Europe. The lounge will be provided with 360 degree CCTV provision both internally & externally. This CCTV system will be monitored and maintained directly by the lounge supplier. There will also be an integrated intercom system with the cameras internally.
- 4.5.4 While the units are manufactured off site, the doors and windows will be manufactured and installed on site by a certified Secured by Design company. Access to the lounge will be for charging customers only. On arrival to the site a code will be sent to the customers charging app either on their phone or in their car. This will grant access to the customer only.
- 4.5.5 The site will have a management strategy provided by the facilities and management team. This will typically include a member of staff attending the site twice a day for cleaning purposes, spending an estimated 4 hours a day on site. There will also be a facilities staff member attending the site monthly to monitor the site including general visits for restocking of the unit. A seating area with benches and litter bins will also be provided.
- 4.5.6 The amenity block would enhance the functionality, accessibility, and user experience of the proposed EV charging hub. Unlike petrol stations, EV charging requires longer dwell times—typically 20 to 30 minutes—so providing facilities such as toilets, seating, and vending machines adds convenience and comfort for users during this waiting period. This is particularly important for families, disabled users, and those travelling long distances.
- 4.5.7 The amenity block will be unstaffed but monitored continuously by CCTV and maintained on a weekly basis, including cleaning and waste removal. Access will be secure and limited to EV users via a passcode entry system. Further details on the block's design and management will be submitted as part of any future planning application.
- 4.5.8 An example photograph of the amenity block is included at Figure 4.3 below.
- 4.5.9 A statement prepared by the supplier, BK World, is submitted with this application which sets out design and management information.



**Figure 4.3. Example Photograph of Proposed Amenity Block**

#### **4.6 Customer Stairwell**

- 4.6.1 The proposal includes the provision of a stairwell located at the northern edge of the site, connecting to Birstall Retail Park. A pedestrian crossing is to be installed, allowing safe access from the shopping centre across Holdening Way, directly into the site.

#### **4.7 Landscape Design**

- 4.7.1 The soft landscaping design includes the retention of existing planting on site where possible, providing suitable offset where required, and making provision for biodiversity net gains – including native scrub, trees, hedge, and species rich grassland planting.

#### **4.8 Appearance and Materials**

- 4.8.1 The Superchargers are of a minimalist design, oval shaped with low level site safety lighting. An example of Tesla V4 Supercharger design is included below at Figure 4.4.



**Figure 4.4. Example Tesla V4 Superchargers**

## 5.0 Planning Policy

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### 5.1 Introduction

5.1.1 This chapter considers the proposed development against the relevant local and national policies and other material considerations that are pertinent to the proposed development.

5.1.2 The adopted Local Development Plan relevant to the proposed development comprises of:

- Kirklees Local Plan Strategy and Policies, adopted February 2019

### 5.2 Kirklees Local Plan

5.2.1 The policies that are pertinent to the proposed development are as follows:

- Policy LP1: Presumption in favour of sustainable development
- Policy LP 2: Place shaping
- Policy LP 3: Location of New Development
- Policy LP 4: Providing Infrastructure
- Policy LP7: Efficient and effective use of land and buildings
- Policy LP20: Sustainable travel
- Policy LP21: Highways and access
- Policy LP22: Parking
- Policy LP24: Design
- Policy LP26: Renewable and low carbon energy
- Policy LP28: Drainage
- Policy LP30: Biodiversity & Geodiversity
- Policy LP32: Landscape
- Policy LP33: Trees
- Policy LP47: Healthy, active and safe lifestyles
- Policy LP52: Protection and improvement of environmental quality
- Policy LP53: Contaminated and unstable land

### 5.3 National Planning Policy Framework

5.3.1 The National Planning Policy Framework (NPPF) is the current national planning policy document in England, with the most recent edition published in December 2024.

5.3.2 Applicable chapters of the NPPF include:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

- Chapter 15 – Conserving and Enhancing the Natural Environment

5.3.3 Paragraph 8 sets out three ‘overarching objectives’ to achieve sustainable development and notes that they are interdependent and need to be pursued in mutually supportive ways:

- **Economic Objective** – to help build a strong, responsive, and competitive economy, by ensuring sufficient land of the right type in the right places, to support growth, innovation, and improved productivity.
- **Social Objective** – to support strong, vibrant, and healthy communities, ensuring that a sufficient number and range of homes can be provided.
- **Environmental Objective** – to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.

5.3.4 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and confirms that where proposals accord with an up-to-date development plan, they should be approved without delay, or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3.5 Paragraph 117 of the NPPF goes on to advocate for developments to ‘be designed to enable charging of plug-in and other ULEV’s in safe, accessible and convenient locations’. The application site is strategically located within proximity to key transport routes, a key employment area, in vicinity of residential and community assets; and in an area which is currently lacking in EV charging infrastructure.

5.3.6 Paragraph 161 states that ‘The planning system should support the transition to Net Zero 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.’ The Development will strengthen EV charging infrastructure in the area, as the Applicant has identified this area as lacking in sufficient ultra-rapid EV charging infrastructure. EV charging points are vital infrastructure in facilitating the transition to ultra-low emission vehicles and securing the Government’s net zero carbon targets.

5.3.7 Paragraph 166 states that ‘When determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions approve the application if its impacts are (or can be made) acceptable’.

## 5.4 Other Material Considerations

### West Yorkshire Low Emissions Strategy (WYLES) 2016 to 2021

5.4.1 The West Yorkshire local authorities and West Yorkshire Combined Authority will work together to accelerate improvements in air quality. One of WYLES’ target objectives is to accelerate the

uptake of plug-in electric cars and vans through improved vehicle charging infrastructure and the implementation of an Electric Vehicle Strategy.

- 5.4.2 The West Yorkshire Low Emissions Strategy was adopted in December 2016. The WYLES recognises that the increased uptake of Electric Vehicles (EV) or Ultra Low Emission Vehicles (ULEVs) is a key part of the government's roadmap to zero carbon by 2050. The WYLES refers to the government's pledge that almost all new cars and light goods vehicle sales will be zero emission by 2050; since the adoption of the WYLES in 2016, the government have set out greater targets for the path to zero emissions. The updated target is for 80% of new cars and 70% of new vans to be zero emission by 2030, with this figure increasing to 100% by 2035. It is therefore imperative that the council focuses on the provision of EV charging infrastructure to ensure that the country is on track to meet the 2035 target for all new cars and vans to be zero emission. The West Yorkshire region has committed to net zero emissions by 2038.
- 5.4.3 The West Yorkshire Vehicle Emissions Plan (WYVeP) contained in the overarching strategy confirms that a key feature of the plan is to encourage and support people to switch to low emission vehicles following a number of initiatives, including raising awareness of car emission issues and benefits of alternative fuelled cars and promoting and supporting low and ultra-low emission vehicles. Plug-in vehicle registrations in West Yorkshire are showing significant growth.
- 5.4.4 It seems that EV ownership in the area is continuing to rise. Earlier this year insurance experts Howden Insurance calculated the total number of plug-in cars registered for each UK area between 2009 and 2023 using data sourced from the Department for Transport and Driver and Vehicle Licensing Agency. The study found that West Yorkshire is in the top three areas of the country for motorists switching to electric vehicles. Between 2009 and 2023, 625,234 electric cars were registered in the area, with West Yorkshire coming third behind Outer London (908,775) and Greater Manchester (1,045,910)<sup>10</sup>.

#### **Air Quality & Planning Technical Guide**

- 5.4.5 One key strand of the WYLES has been the development of an Air Quality and Planning Technical Guide to assist developers, consultants, air quality officers and planning authorities to ensure that the principles of sustainable development, with particular reference to air quality, are satisfied when making planning decisions. The document sets out EV charging point specifications for domestic and commercial installations.
- 5.4.6 In line with the technical guide, WYLES' will work with developers to provide practical charging solutions and support plug-in vehicle demonstration schemes on new residential and commercial developments.

#### **Kirklees Climate Change Action Plan**

- 5.4.7 The Climate Change Action Plan is split into two phases; Phase 1 (2019-2022) includes measures requiring immediate action, whereas Phase 2 (2022-2024) includes longer term objectives, to plan the council's pathway to a net zero and climate ready future. Kirklees' target for Climate Change Adaptation is to be Climate Ready by 2038.

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<sup>10</sup> <https://www.thetelegraphandargus.co.uk/news/24338190.west-yorkshire-third-highest-ev-vehicle-registrations/>

5.4.8 One of Kirklees' immediate targets was to increase the amount of EV charge points.

**Electric Vehicle Infrastructure Strategy and Local Electric Vehicle Infrastructure (LEVI) Programme**

5.4.9 The West Yorkshire Combined Authority (WYCA) is implementing a new Electric Vehicle Infrastructure Strategy, an ambitious plan to improve the charging network for a cleaner and greener West Yorkshire. It will also help the region to increase the number of chargepoints much more quickly.

5.4.10 The strategy sets out strategic principles and investment priorities as the WYCA works to improve access to EV charging across West Yorkshire. The WYCA wants to:

1. Increase the number of electric vehicle chargepoints to create a network of chargepoints in West Yorkshire. We want to install more chargepoints to prepare us for a future where more people will be able to switch to an EV.
2. Reduce inequalities and make sure there is good coverage of chargepoints across West Yorkshire. We want to make sure that, wherever you live in West Yorkshire, you will have an equal opportunity to charge your EV. We want to make sure no areas are left behind.
3. Make sure the right chargepoints are in the right places. We want to make sure that new chargepoints are meeting your needs in your community.
4. Make sure that chargepoints are easy to use, fair and accessible for everyone. We want to work with chargepoint operators to make sure you receive a good service and a fair price.
5. Make sure that the network of chargepoints is resilient, reliable, safe and well maintained. We want to make sure you feel confident using chargepoints because you know they will be reliable.
6. Support our goals to reduce transport carbon emissions. We want you to be able to switch to an EV, and to choose to reduce your private car use. We also want you to be able to use renewable energy at chargepoints. We want to reduce the environmental impact of transport in our region.

5.4.11 The WYCA have also been awarded LEVI funding to install public chargepoints in residential areas, which will be further supported by private investment.

5.4.12 This is part of the Combined Authority's plans to make it easier for people in West Yorkshire to make the switch to using electric vehicles to help reduce pollution, improve air quality and tackle the climate crisis.

5.4.13 A recent consultation event took place (which ran until the 12<sup>th</sup> September 2024) urging people to have their say on where chargepoints should be located – to ensure the right chargepoints are installed in the right places.

5.4.14 It is therefore abundantly clear that the delivery of EV charging infrastructure is a priority action for Kirklees Council.

## 6.0 Planning Assessment

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### 6.1 Introduction

6.1.1 This chapter sets out the potential environmental impacts of the proposed development. Environmental impacts have been considered in the context of the site against local and national planning policy.

### 6.2 Principle of Development

6.2.1 The application site is unallocated within the Kirklees Local Plan (KLP).

6.2.2 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.2.3 The application seeks planning permission for a Sui Generis EV charging hub facility along with the erection of equipment and infrastructure on site.

6.2.4 The last known use of the site was as a Class B1 unit. Google Earth imagery indicates that the last 'active' use of the site was back in 2003 – over 22 years ago. Since that time, there has been no evidence of commercial activity or any intervening lawful use of the premises. The building has remained vacant and in deteriorating physical condition for over two decades. No steps have been taken by the landowner to retain or reinstate the use over the intervening 22 years. There have been no applications for refurbishment, change of use, or reoccupation; nor has the site been actively marketed for retail or commercial use during that period. The building has remained vacant and physically deteriorated, further demonstrating a lack of intent to resume its previous function. This long period of inactivity, coupled with an absence of any demonstrated commitment to resume the use, supports the conclusion that the use was not merely suspended, but permanently ceased. In accordance with the principles established in *Hartley v MHLG* [1970] and subsequent case law, it is considered that the previous Class B use has been abandoned in planning terms. As such, the proposed Sui Generis EV charging hub does not constitute a change of use from an extant lawful planning use, but rather a new use that should be assessed on its own merits against relevant development plan policies and material considerations.

6.2.5 The pre-application advice received confirmed that *"In this instance, the principle of providing infrastructure for electric vehicles is supported within policies including LP4, LP20, LP24, LP26, LP51. Considering the scale of development and the integrated power source, this would be considered favourably in respect of these policies which collectively seek to promote green energy solutions"*.

6.2.6 Overall, there is no planning designation or allocation set out in the Development Plan that would preclude the development of a Sui Generis EV charging hub. The overarching aims of the Development Plan and NPPF, to deliver sustainable development and regenerate brownfield land, support the delivery of EV charging infrastructure. Paragraph 112 of the NPPF encourages developments that support the uptake of electric vehicles, including through the provision of charging infrastructure. The proposal directly aligns with this objective by facilitating the decarbonisation of the transport sector, reducing greenhouse gas emissions, and improving air

quality. The proposed development also supports Paragraph 152, which stresses the need for planning to help shape places in ways that contribute to radical reductions in carbon emissions and respond to the impacts of climate change. The development is therefore consistent with national policy aims to promote clean growth and modern transport solutions.

### 6.3 Design

6.3.1 Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability

6.3.2 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places).

6.3.3 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

6.3.4 Policy LP24 states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

6.3.5 The proposals include the demolition of a derelict and dilapidated building. This alone will act to improve the appearance of the site after decades of mistreatment and poor management. With the building removed, hardstanding will be laid / made good on site and will be arranged into a one-way EV charging hub comprising car parking spaces, modest EV chargepoint upstands featuring a high quality design and appearance, an ancillary amenity block, landscaped seating areas and solar canopies to contribute renewable energy to the development. With the retention of the majority of boundary trees and scrub planting, and planting of new areas of trees, scrub and grassland, the site will appear as a managed, modern and functional site, compared with the derelict, mismanaged and dilapidated site that is currently.

6.3.6 The wider retail park is in part designed to accommodate motor vehicles, with large expanses of land converted into parking facilities. In this manner, the site is not dissimilar from other sites in the area. There is an existing utilitarian appearance to the site – which has become derelict and run down as a result of decades of inactivity and no management. This detracts from the appearance of the street scene.

6.3.7 The submitted has been submitted indicating the proposed level of development alongside an indicative 3D elevation plan. The plans indicate the site will be converted to a car park with ancillary equipment including substations, solar canopies and EV charging stations. A small break out area will be erected at the north-east aspect of the site.

6.3.8 The pre-application advice stated the following in relation to design and landscaping mitigation to improve the site appearance from the frontage:

*“There is a build-up of sub-stations on the eastern corner of the site. An accumulation of street furniture, such as infrastructure units, can create a cluttered appearance. This elevation of the site is adjacent to the highway, therefore highly prominent from the public domain. The*

*substations should be scattered throughout the site, away from the front of the site. In any case, it is suggested that the units should be powder coated in a green colour. In addition, a landscaping plan should be submitted with any future application to screen the appearance of the substations through a planting scheme”*

- 6.3.9 The plans show the proposed substations in the eastern corner, adjacent to the existing substation on site. For operational reasons, the substations are still proposed there. The Applicant has responded to the pre-application advice received and submits a Soft Landscaping Plan (Drg. No. CRM3030020-ENZ-XX-XX-DR-Z-0001), showing a 28m hedge to be planted along the frontage, with tree, shrub and species rich grassland also proposed to soften and improve the appearance of the site, accord with design best practice principles and deliver a net gain to biodiversity. The proposed substations will sit discreetly within the site behind this planting and will be finished in a green colour.
- 6.3.10 Overall, the appearance of the site is suitable for its setting within the wider retail park. Landscaping details support the appearance of the site, softening the site’s utilitarian use. The development accords with Policy LP24a of the Kirklees Local Plan.

## **6.4 Ecology**

- 6.4.1 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 6.4.2 An Ecological Impact Assessment (EclA) and Biodiversity net gain Calculation are submitted in support of this application.
- 6.4.3 The Environment Act 2021 requires development proposals to achieve at least a +10% gain to biodiversity. Through proposed onsite ecological enhancement planting proposed, the proposals will deliver a habitat units net gain of 17.10% and a hedgerow units net gain of 263.00%. This exceeds the statutory 10% requirement through on-site delivery.
- 6.4.4 Bat surveys have confirmed a likely absence of roosting bats within the main building at the site. Treelines provide a limited extent of suitable foraging habitat. Trees along the northern and western edge of the application site are to be retained.
- 6.4.5 The EclA demonstrates that if the outlined mitigation measures are implemented in full then no significant residual impact could be expected and the proposed development will deliver a net gain to biodiversity, in line with Policy LP30 and the NPPF.

## **6.5 Trees**

- 6.5.1 An Arboricultural Survey and Arboricultural Impact Assessment is submitted in support of this application submission.
- 6.5.2 The development including the site-set-up and construction operations will require the removal of one low value tree and approximately 105m<sup>2</sup> of one low value tree group which is expected to have a low impact on the character of the site and the local landscape.
- 6.5.3 Replacement tree planting is specified within the Soft Landscape Plan submitted alongside the Planning Application, specifying replacement tree planting for the site that is considered to be adequate for the scale of tree removal proposed.

## **6.6 Transport**

- 6.6.1 Paragraph 116 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”*.
- 6.6.2 Policy LP21 of the Highways and Access states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway
- 6.6.3 A Transport Statement and Stage 1 Road safety Audit is submitted with this application.
- 6.6.4 The site is accessed off Geldard Road part way between the M621 / Gelderd Road roundabout and the Geldard Road / Woodhead Road roundabout. Vehicle access will be taken from a repositioned and modified priority access on Gelderd Road. The proposed junction layout is included within the accompanying report.
- 6.6.5 The junction layout shows a 6m wide access road, with 2m wide footways on both sides, and 6m radii. The site is laid out to provide a one-way route for vehicles accessing the charging stations and using a circulation system that ensures that any vehicles queue within the site.
- 6.6.6 The internal layout of the site will follow a one-way system, entering from the priority junction and passing round the site clockwise, before returning to the site access to exit the site northbound along Gelderd Road. The pedestrian facilities within the site consist of two pedestrian crossings between the charging bays, and a new staircase to the adjoining retail park to the north of the site. There will be a walkway provided surrounding the internal perimeter of the site, segregating pedestrians from the vehicles using the site.
- 6.6.7 Electric charging stations operate in a similar manner to Petrol Filling Stations, in that they do not typically generate ‘new’ traffic to the network, rather development trips are comprised of pass-by / diverted trips already on the network and, in this location, linked effects with existing uses at the retail park.
- 6.6.8 The Transport Statement report has demonstrated that the proposed development would have no detrimental impact upon highway safety and that the residual cumulative impacts of the proposed development would not be severe. Therefore, it is concluded that there are no reasons why the planning application should be refused on highway or transportation grounds.

## **6.7 Geo-Environmental**

- 6.7.1 A Phase 1 Geo-Environmental Desk Study, and Preliminary Coal Mining Risk Assessment are submitted as part of this pre-application advice request.
- 6.7.2 Based on the interactive coal mining website, the site is shown within an area of coal workings at depths around 129 feet and also within a high development risk area, potential shallow workings, coal seam outcrops and workable opencast coal seams.
- 6.7.3 Coal mining and quarrying activities are shown before 1854 and associated with shallow and deep colliery workings these are shown as disused by 1955 and were initial underground workings and then subsequence open cast to remove the remaining shallow seams. The exact

depth and extent of the open cast is unknown and also the thickness and depth of these shallow open cast seams is unknown.

- 6.7.4 Infill of the open cast works and collieries has occurred around the 1950s and then again in the 1970s to create the development land surrounding the site and road networks surrounding the site. The site appears to have been subject to the first infilling operation to create the current development platform, however, does not appear to have subject to the overall retail and business part development infill works.
- 6.7.5 As set out in the submitted Coal Mining Risk Assessment, the preliminary risk of shallow workings affecting the site has been dismissed however this is based on BGS Geological logs 130m south east from the site and will need to be confirmed via actual investigation via deep boreholes to at least 45m deep.
- 6.7.6 A preliminary risk of shallow working has been identified however based on the further analysis these are likely to have been removed as part of the open cast works to a depth of 11m bgl, however the depth of the opencast works and deeper seams will need the confirmed via investigation. This will need to be confirmed by the coal authority who will require confirmation boreholes to confirm the actual risk for the site.
- 6.7.7 Based on the preliminary assessment the site is located within a previous area of coal seams which have been worked at depths around from 31m to 239m depth and then opencast, however the depth of the open cast is unknown. Given the shallow seams have been excavated out as part of the open cast works the depth of competent rock below this level is likely to be in excess of 10 times seams thickness and therefore the risk of deeper coal workings affected the site is dismissed. However, further investigation will need to be undertaken in the form of at least four deep boreholes (45m) to prove the thickness and depth of the open cast site and the presence of any deep coal seams below.
- 6.7.8 It is considered that this Phase 2 site investigation can be secured by way of a planning condition.

## **6.8 Drainage**

- 6.8.1 The proposal is for an EV charging hub (including seating area and amenity block) in Flood Zone 1 (low risk).
- 6.8.2 A Detailed Drainage Strategy and Flood Risk Statement is submitted with the full planning application.
- 6.8.3 It is proposed to drain surface water into the existing soakaway pit on site. Soakaway testing has been carried out and returned a positive infiltration result in this area.
- 6.8.4 It is proposed to drain foul water into an onsite cesspit.
- 6.8.5 This report demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance.

## 7.0 Conclusion

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- 7.1.1 This Planning, Design and Access Statement has demonstrated that the proposed development of a 32-bay electric vehicle (EV) ultra-rapid charging hub at Land at Gelderd Road, Birstall, Batley is wholly appropriate and supported by both national and local planning policy. The proposal reflects the Government's ambitions to deliver a cleaner transport system and achieve net zero carbon emissions by 2050, as well as Kirklees Council's own climate emergency response and Local Plan priorities.
- 7.1.2 The development would bring back into productive use a long-term vacant, derelict brownfield site that has not been in lawful use since 2003. In planning terms, the former use has been abandoned, and this application presents an opportunity to regenerate the land through the delivery of essential infrastructure. The EV charging hub will support the growing uptake of zero-emission vehicles and contribute directly to decarbonising the transport sector. The proposed use is aligned with key objectives in the National Planning Policy Framework (NPPF) which promote sustainable transport, support the transition to net zero, and encourage development that makes effective use of land.
- 7.1.3 The scheme is also consistent with the West Yorkshire Low Emissions Strategy and Electric Vehicle Infrastructure Strategy, which seek to rapidly expand charging provision and reduce inequality of access. The site's location, adjacent to the M62 and within walking distance of Birstall Retail Park, offers a highly suitable position for both en-route and destination-based charging. A new customer stairwell will facilitate direct pedestrian access from the retail centre.
- 7.1.4 The development includes high-quality design features, including solar canopies, landscaping enhancements, and a secure, digitally accessed customer amenity block. The proposal has responded positively to pre-application advice, with adjustments made to improve visual appearance and biodiversity value. Supporting reports demonstrate that there would be no unacceptable impacts in terms of highways, ecology, drainage, or amenity.
- 7.1.5 The proposal fully accords with relevant policies of the Kirklees Local Plan, including Policies LP1, LP4, LP20, LP24, and LP26, as well as key chapters of the NPPF. The development contributes positively to economic growth, environmental improvement, and sustainable travel, and should therefore be supported.
- 7.1.6 In conclusion, the proposed EV charging hub represents a sustainable and future-focused development that meets a demonstrable local and national need, makes efficient use of previously developed land, and provides clear economic, environmental and social benefits. The application is consistent with the Development Plan and material considerations, and there are no technical or planning reasons why permission should not be granted.

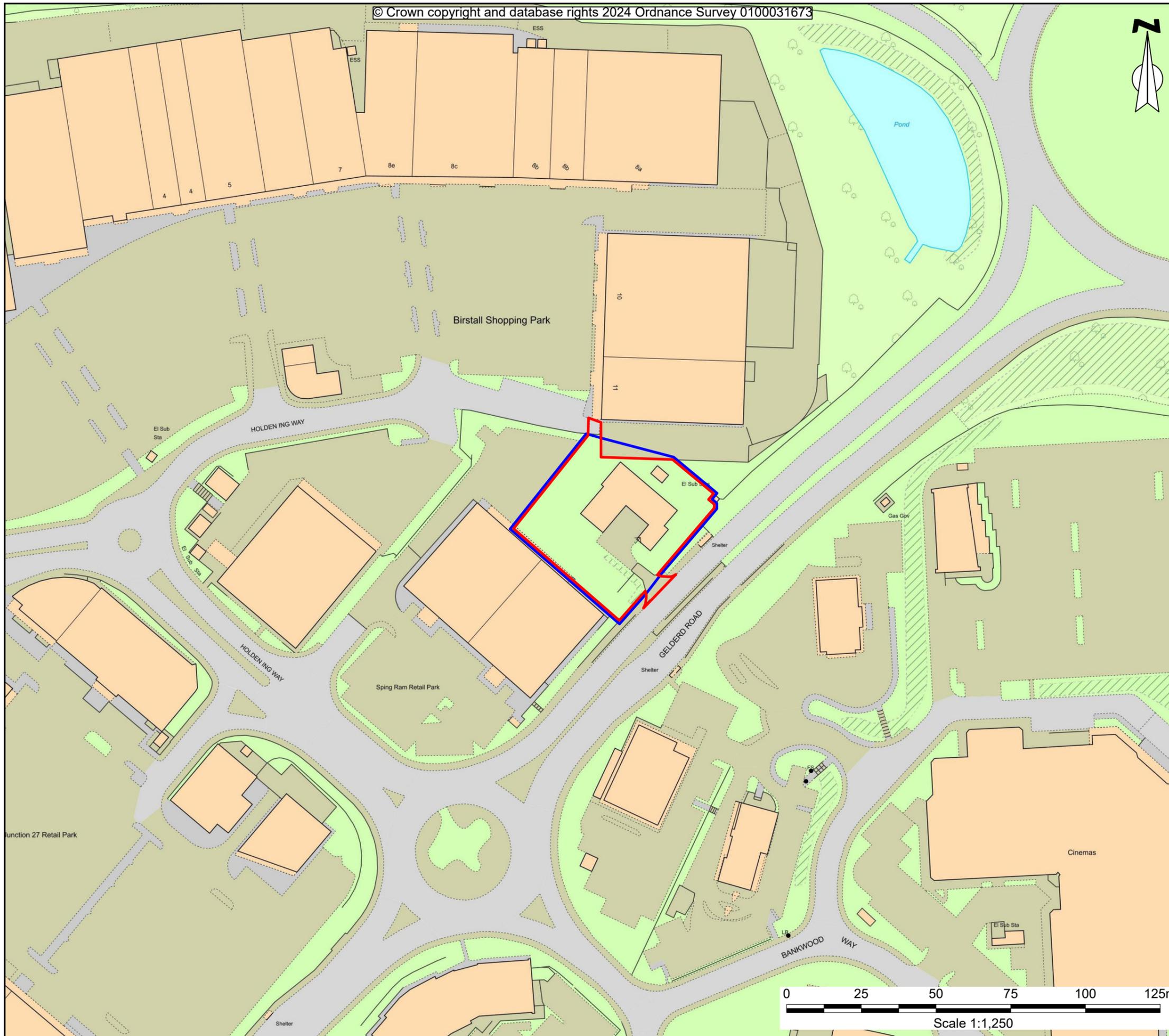
## Appendix A – Site Location Plan

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**KEY:**

- Site Boundary
- Land Ownership Boundary



Rev	Date	Description	DRA	CHK	APP
P03	16.06.25	Boundary amended	LW	TB	TB
P02	11.11.24	Mapping Data Amended	LB	EB	TB
P01	28.03.24	Issued for comment / approval	LB	TB	TB

**Project**  
Gelderd Road, Birstall

**Client**  
Tesla Motors Ltd

**Drawing Title**  
Site Location Plan

<b>Scale</b> 1:1,250 @ A3	<b>Date</b> 28.03.24	<b>Status</b> Preliminary
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<b>DWG No.</b> CRM3030020-ENZ-XX-XX-DR-T-0001	<b>Revision</b> P03
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## **Appendix B – Pre-Application Advice Ref. 2024/21338**

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Enquiries to: Edward Cheseldine

Kirklees Direct

Tel: 01484 414746

Email:

edward.cheseldine@kirklees.gov.uk

Date: 24 February 2025

Our Ref: 2024/21338

Dear Mr Baguley,

**Pre-application advice for commercial development at Land off, Gelderd Road, Birstall, Batley, WF17 9DT.**

I refer to your enquiry received 12 November 2024 concerning the above proposed commercial development.

**1. Summary of your proposal:**

Pre-application advice is sought for development at Gelderd Road, Birstall, Batley, WF17 9DT.

This pre-application enquiry is for 32no. Tesla electric vehicle (EV) ultra-rapid (150kW+) charging points, supercharger equipment cabinets, substation infrastructure, hard and soft landscaping, ancillary customer amenity block, solar canopies and provision of connecting customer stairwell to Birstall Retail Park.

A pre application information pack has been received which contains the following:

- Detailed planning statement
- Highways Technical note
- Location plan
- Site plan
- 3D Site Plan
- Arboricultural Impact Assessment
- Habitat Map
- Geoenvironmental Phase I Assessment

A desk-based assessment has been undertaken alongside a site visit.

## **2. The Site:**

The whole site is roughly rectangular, it contains a vacant building with a hardstanding perimeter and self-seeded shrubbery and trees. The building had a business use operating as a unit within the wider retail park. There is an existing access that leads onto Gelderd Road which serves as a dual-carriage way to the retail park and the M62.

The application site relates to the whole site. It contains a sizeable single-storey building formed with an 'L' shaped footprint and a flat roof extension. Whilst the building is vacant, it remains of substantial construction. The building is adjacent to two purpose-built retail units of a significant scale. These are adjacent to the north-east boundary and south-west boundary. Adjacent to the north-west boundary is a hard surfaced delivery area. Officers noted wooden security fencing had recently been erected around the perimeter of the site.

To the north-east of the application site is Junction 27 of the M62 with carriageways for entry/exit. To the prevailing west is the Birstall Shopping Park (Junction 27 Retail Park).

The application site is unallocated within the Kirklees Local Plan (KLP).

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply. In particular those related to design, highway safety, environmental matters.

## **3. Relevant Planning History:**

None relevant.

## **4. Land allocation and relevant planning policies:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Land Allocation

The application site is unallocated within the Kirklees Local Plan (KLP).

### Relevant Planning Policies

Kirklees Local Plan policies and National Planning Policy Framework policies considered relevant to the proposal are as follows:

#### **Kirklees Local Plan Policies:**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of New Development
- LP 4 – Providing Infrastructure
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21– Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 26 – Renewable and low carbon energy
- LP 30 – Biodiversity and geodiversity
- LP 33 – Trees
- LP 45 – Safeguarded Waste
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Lane

#### **National Planning Policy Framework:**

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

**Other material planning considerations:**

- Kirklees Highways Design Guide SPD
- Government Guidance Biodiversity Net Gain Technical Advice Note

**5. Consultations**

KC Environmental Health – Advice provided in relation to Air Quality, Contaminated Land, Noise, Electric Vehicle Charging Points (EVCPs), External Artificial Lighting, Odours, Foul Drainage.

KC Highways – Advice provided in relation to Highway Safety and Parking

KC Trees – Advice provided on the impact to Trees

The content of the consultation responses is considered and expanded upon in further detail in the following letter.

**6. Relevant matters for consideration**

The following matters are considered in the assessment below:

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Environmental Matters
6. Conclusion

**6.1 Principle of development**

An application would require a change of use from a retail use class to a car parking facility (sui generis).

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF

Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

In this instance, the principle of providing infrastructure for electric vehicles is supported within policies including LP4, LP20, LP24, LP26, LP51. Considering the scale of development and the integrated power source, this would be considered favourably in respect of these policies which collectively seek to promote green energy solutions.

## **6.2 Visual amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

A site plan has been submitted indicating the proposed level of development alongside an indicative 3D elevation plan. The plans indicate the site will be converted to a car park with ancillary equipment including substations, solar canopies and EV charging stations. A small break out area will be erected at the north-east aspect of the site.

The wider retail park is in part designed to accommodate motor vehicles, with large expanses of land converted into parking facilities. In this manner, the site is not dissimilar from other sites in the area. There is a utilitarian appearance to the site, due to its nature. The indicative site plans show a suitable level of landscaping when considering the context of the site. Detailed landscaping plans should be submitted indicating any plans of soft landscaping features.

There is a build-up of sub-stations on the eastern corner of the site. An accumulation of street furniture, such as infrastructure units, can create a cluttered appearance. This elevation of the site is adjacent to the highway, therefore highly prominent from the public domain. The substations should be scattered throughout the site, away from the front of the site. In any case, it is suggested that the units should be powder coated in a green colour. In addition, a landscaping plan should be submitted with any future application to screen the appearance of the substations through a planting scheme.

Solar canopies will be placed at the edges of the parking bays. The supporting beams appear lightweight and suitable. Elevation plans should be submitted to assess the scale of the canopies, with material details.

Structures for the breakout area are indicated to be of a timber construction, the appearance of which will be suitable to soften the appearance of the mechanical machinery that dominates the site. Elevation plans should be submitted to enable assessment of the 'amenity block' in terms of scale and design.

Plans include a staircase leading from the rear of the site to retail units. Cross-section elevation plans should be submitted in order to assess the design of the staircase in terms of accessibility.

Based on the indicative plans, the appearance of the site is suitable for its setting within the wider retail park. Landscaping details would support the appearance of the site, softening the site's utilitarian use.

It is likely that the development would accord with Policy LP24a of the Kirklees Local Plan, subject to mitigation measures for the placement of the substations, and based on the submitted details relating to ancillary structures so long as the scale and materials of the structures are appropriate.

### **6.3 Residential amenity**

Section B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

It has been assessed whether the proposed development may be adversely affected by existing noise sources and whether noise from the proposed development may have an adverse impact on nearby noise sensitive receptors.

The application is for commercial development within a retail park. The proposed development is unlikely to impact nearby noise sensitive receptors given the distance to residential dwellings.

The proposed development will likely be considered acceptable in terms of residential amenity if submitted as a subsequent application and it is considered that the proposed development complies with Local Plan Policy LP24(b) & LP52 and Chapter 12 of the National Planning Policy Framework.

#### **6.4 Highway Safety**

Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Highways and Access states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Highways Design Guide are relevant insofar as they relate to parking provisions.

Any application for planning permission should be accompanied by details to allow for a full highway assessment to be completed.

Submitted information included a site plan and highways technical note. Further information relating to highways is required to complete an assessment in terms of highway safety.

The following should be submitted:

Visibility onto Gelderd Road should be demonstrated on a suitable plan and be commensurate with the details in the submitted technical note. It is intended to widen the site access to accommodate the development.

No information has been provided for the storage and collection of waste from the site. This will need demonstrating along with vehicular swept paths for a refuse collection vehicle.

A stage 1 Road Safety Audit covering all aspects of the design would be required and submitted as part of the access and internal layout with the brief agreed prior to any undertaking and be in line with GG119.

As referred to in the technical note, a Transport Statement will be required as part of the submission for any application.

Considering the outstanding information relating to access and internal layout of the development, it is not possible to comment on the suitability of the application in terms of highway safety. The applicant should submit the relevant information for KC Highways to assess.

## **6.5 Environmental Matters**

### *Biodiversity Net Gain and Ecology*

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024 unless the development is exempt from this requirement (detailed here). There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain. More information regarding biodiversity net gain can be found on the government website at; <https://www.gov.uk/guidance/biodiversity-net-gain#biodiversity-net-gain-submitting-a-planning-application>

If a full application is submitted, a baseline assessment of the existing biodiversity habitats would be required, to attain the impact of the development on these habitats.

It is within the capacity of the planning authority to assess if degradation to habitats has occurred prior to the submission of a full planning application and request an uplift for net gain if this has occurred.

If the application required a BNG uplift, the following should be submitted by a certified ecologist;

- The calculations of the pre-development biodiversity value of the onsite habitat on the date of application
- A statement whether activities have been carried out prior to the date of application
- The completed metric calculation tool showing the calculations of the predevelopment biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- Plan(s), drawn to an identified scale showing onsite habitat existing on the date of Application

The submission of a pre-application enquiry would not exempt a future planning application from BNG legislation.

In any event the scheme will be required to provide biodiversity enhancements as required by Policy LP30 of the Local Plan:

#### *Protected and Notable Species*

It is indicated the site is located within a bat alert layer on the Council's GIS mapping system. The proposal includes the demolition of a building that may have bats roosting within its roof space. Given the prevailing wider area, as the site rests in an area known to include bats, a Preliminary Ecological Appraisal, conducted by a qualified ecologist, must be submitted alongside a full application. This would identify if there is evidence of bats within the structure. If bats are present, a bat survey would be a requirement of submission.

#### *Historic Coal Mining*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site rests in a high-risk coal mining area, therefore a Coal Mining Risk Assessment would be required to form part of the submission documents.

### *Land Contamination*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The proposed development site is shown as being potentially contaminated from its former use, therefore, contaminated land issues need to be considered.

Phase 1 contaminated Land Report by Enzygo Ltd, dated February 2024.

During site investigation evidence of a tank and fly tipping have been found. Site history demonstrates a coal legacy at the site, a substation is listed in 1955. Section 4.4.5 informs; "The coal authority report confirms there are probably unrecorded shallow workings.." A former refuse tip has been identified close to the site with the comment that gas monitoring should be undertaken to "dismiss the risk" 4.15.2. Infilled materials have been mentioned in the report. The report has not discussed the potential for combustion at the site if shallow coal or made ground with a coal content are present.

A conceptual site modal has been presented which appears to attribute a low risk to the site generally, but goes on to recommend intrusive investigations, which appears to be contradictory, we do not accept the CSM.

We acknowledge the report but stand by our earlier comments that a site of this nature is highly likely to require intrusive investigations to fully characterise the site.

We anticipate any future application will be accompanied by a minimum, revised and updated phase 1 report and a fully completed intrusive investigation following best practice guidance.

In my view land quality is a matter which can likely be satisfactorily addressed through the amended submission of a phase 1 assessment at the application stage (and potentially through the inclusion of conditions should any application be successful).

### *Safety and security*

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

The site will mostly be unmanned. It contains precious materials within the machinery which have been targeted by criminals recently within the district. There is the potential for loitering within the site. There are safety concerns with the proposed stairwell and behind the ancillary unit.

A waste management scheme would be required, to reduce the impact from littering.

Coupled with a scheme of measures to ensure criminal activity is deterred / reduced (including the requirement for CCTV).

It is my view that the requirements of Section 17 of the Crime and Disorder Act 1998, Chapter 8 of the NPPF and Policy LP 24 could be met through the detailing of the above security measures and the requirements of British Security Standards are met.

### *Trees*

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

There are no protected trees on the site. The trees that are present are generally of poor quality and there is scope for some of their removal.

With the proposal being a solar panelled charging port the retention of G7 and T8 in the submitted tree report seems impossible as they lie to the south and would block any sunlight to the panels.

There is scope to retain G5 as they are the highest quality trees on site and sit towards the northwest corner of the site so would allow maximum sunlight.

There may also be scope to plant some new trees along the northwest boundary to form a screen and mitigate the loss of the other trees which require removal on site.

An Arboricultural Impact assessment would need to be submitted at full application stage to show which trees would require removal and how any retained trees will be impacted.

There is also likely to be a need for an Arboricultural Method Statement to show how retained trees will be protected during construction and any new planting schemes.

## **6.6 Conclusion**

The principle of the development has merit and it is likely a level of development could be undertaken notwithstanding the requirements of an assessment on highway safety. Should an application be forthcoming it is recommended that the advice and recommendations set out in this letter be taken into consideration.

## **7. Validation requirements**

The information you need to provide with your application is detailed on the Validation checklist. Please note the Validation Requirements for Submission of Planning Applications will be effective from 6th February 2023. Both these documents can be viewed under the heading 'Guidance and advice notes' on the Kirklees Planning and development website:

<http://www.kirklees.gov.uk/beta/planning-and-development.aspx>

Site section plans should be included within the submitted documentation at validation for the assessment of the impact to the Green Belt.

## **8. Planning Application Fee**

The following link will calculate the relevant planning fees

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1/>

I hope you find this information helpful.

Yours faithfully

Mathias Franklin

## **Disclaimer**

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given. You should be aware of the Council's Local Development Scheme which sets out the programme for developing its local plan. You are advised to seek further advice once any consultation drafts are published.

Caution should be exercised in respect of pre-application advice which is not submitted within a short time of the Council's advice letter.



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