

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/92776 land at Eastfield, Shepley, Huddersfield, HD8 8HB		
Outline application, with all matters reserved, for residential development with associated open space, landscaping, drainage infrastructure and associated works		
Responding Date: 5th December 2025	Responding Officer: SR–Air Quality & Contaminated Land MN- Noise	Responding Ref: WK202535458
<p><u>Comments</u> The application form identifies a development of residential dwellings on land described as an agricultural use. The site is situated east of Shepley Village and generally falls in a northeasterly direction.</p> <p><u>Contaminated Land</u> We are aware that a Hydrogeological Impact Assessment / WSP-UK0042720-WATER-REPORT-DOC-0001 rev. V5, has been submitted in support of the application; this is outside the remit of Environmental Health, the Planning Officer is advised to seek the comments of other consultees.</p> <p>In support of the application a Geoenvironmental Preliminary Investigation by RWO Associates, dated August 2025, ref: KR/GEODS/G25025 has been submitted. The report contains geotechnical information which is beyond the remit of Environmental Health. This consultation response therefore only relates to the land contamination aspects of the report. We have reviewed the report and make the following comments and recommendations.</p> <p><u>Stage 1 Report</u> A site walk over was undertaken on the 9th of July 2025 and the site is described as; “<i>The site occupies an area of 4.58 hectares (11.3 acres) and predominantly comprises undeveloped agricultural land with some farm buildings in the central area.</i>” Silo tanks have been identified on site during the walkover and on the photographs presented. The report author is aware that a residential development is proposed.</p> <p>The site history since 1851 have been listed with the site described as fields until the farm buildings and a track appear on the 1919 mapping. Offsite development includes but is not limited to: - coal pits, Shepley Village, sandstone quarries, mills, a reservoir (subsequently described as a pond).</p> <p>Geological information is presented, demonstrating no made ground is shown to be present on-site, however due to the presence of farm buildings and farming activities localised areas of made ground may be present. No superficial deposits are shown to be present. The site is mapped to be underlain by Grenoside Sandstone in the northwest, undifferentiated Coal Measures in the centre and Penistone Flags in the south/southeast. All bedrock units are part of the Pennine Lower Coal Measures. Coal outcrop is shown within the centre/northeast of the site.</p> <p>A summary of the MRA Consultants Mining report is presented, informing possibility of</p>		

probable unrecorded shallow workings. of the Crow seam through the centre of the site trending NE-SW, reported to be of workable thickness.

Potentially contaminative sources identified are listed as: -

- Possible made ground (most likely on the south, least likely further north): – natural organics, metals inorganics, total petroleum hydrocarbons (TPH), polyaromatic hydrocarbons (PAH), asbestos.
- Possible asbestos within existing buildings on the southern margins of the site. An ACM survey is recommended.
- Possible harmful gases from coal workings/organic soils.

A preliminary conceptual site model is presented in Appendix A; it is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

The report is accepted, we make the following recommendations for contaminated land conditions.

Air Quality

The proposed development is not situated in or adjacent to an Air Quality Management Area, nor is it identified as close to a DEFRA identified road of concern. In support of the application an Air Quality Assessment by NJD Environmental Associates, ref: NJD25-0075-003R has been submitted.

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 and local guidance, such as Local Air Quality Management Technical Guidance (LAQM. TG16), the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Construction Phase

For the construction phase a qualitative dust risk assessment was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify all potential sources of dust during the construction phase and the potential dust emission magnitude from demolition, earthworks, construction and trackout.

The dust effects without mitigation, of each stage of construction are presented in table 6. Overall, the development is considered to be medium to high risk of dust soiling impacts.

The report goes on to list the required mitigation (IAQM guidance) for fugitive dust within Table A4.1. Should this mitigation be successfully implemented the effects of dust and PM10 associated with the construction phase of the proposed development are considered to be not significant.

Operational Phase

The number of vehicular trips generated by the scheme will approach the IAQM criteria, a

detailed dispersion modelling assessment was undertaken in accordance with the relevant guidance to determine the potential for traffic movements on the local road network, and those associated with the proposed scheme, determining the potential impact on proposed and existing sensitive receptors.

ADMS-Roads dispersion modelling software (version 5.0.1.3) has therefore been used to predict the concentrations of NO₂, PM₁₀ and PM_{2.5} at existing sensitive receptors (ESRs). Meteorological data from Emley moor has been utilised. Traffic data for this assessment have been provided by the Project Transport Consultant (the 'PTC'), Andrew Moseley Associates based on 110 units, and the Department for Transport (DfT) Road Traffic Statistics website. The report has used Kirklees and DEFRA monitoring data for 2023.

The report concludes that the operational phase of the development would have a negligible impact on local air quality. In accordance with the West Yorkshire Low Emissions (WYLES) - Technical Planning Guidance, due to the predicted gain in housing stock, mitigation measures to assist in reducing any potential impacts in relation to air quality have been proposed. These include the provision of EV charging for each property the provision of a travel plan.

Comment

We agree with the overall methodology and approach of the air quality assessment and accept the conclusions of the report. A condition is recommended to secure the dust mitigation measures proposed.

It is recommended the Planning Officer ensure the EV charging mitigation is applied, we recommend a condition to secure the dust mitigation offered within the report.

Noise

A Noise Assessment authored by NJD Environmental Associates Ltd dated September 2025 Ref NJD25-0075-001R has been submitted. Drawing 1 shows the site location with the industrial site occupied by Shepley Spring to the north west immediately bordering the site.

A noise survey was undertaken between the 19th and the 23rd of June 2025 from two measurement positions (MPs) as shown in drawing 3. A summary of the findings is given in table 3 with comment made that the noise associated with building service plant from Shepley Spring was dominant towards the north of the site with distant road traffic to the south of the site being just audible.

Para 4.5.1 states a number of items of plant were visible and noise from a forklift truck and HGV was also audible and these sources of noise have been isolated with table 5 showing the daytime and nighttime levels. Library data from BS5228-1 has been used to determine the noise levels of the forklift and HGV's as shown in table 6.

Modelling has been conducted with a 4m high acoustic barrier consisting of a 2m bund and 2m fence to the north to consider the operations from Shepley Spring along with the sports pitches to the south as shown in figures 1-3.

A BS4142 assessment has been conducted for the noise from Shepley Spring with a +6dB correction for impulsivity and intermittency and the resultant figures show a significant impact

for both daytime and nighttime periods. Mitigation measures are therefore necessary.

The author states that following discussion with the applicant, changes to the layout were implemented as reflected in drawings 5 and 6 to ensure appropriate noise levels are achieved across the development site. Glazing and mechanical ventilation with heat recovery is recommended as per the specification in table 11 and this is only applicable to the north of the site and is reflected in figure 4 (daytime) and figure 5 (nighttime). Externally, no mitigation is recommended as stated in para 7.1.3.

We accept the initial Noise Assessment but as this is an outline application, due to the noise from the north of the site, would need assurances the layout and recommended mitigation measures remain at the reserved matters stage. Any changes will require the submission of a further/addendum noise assessment and a condition is recommended to cover this possibility.

Construction Environmental Management Plan (CEMP)

A condition is recommended for the submission of a site specific Construction Environmental Management Plan (CEMP) in order to protect the amenity of neighbouring occupiers during the construction of the development.

Recommended Conditions

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in

writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 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 demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Table A4.1 - IAQM Construction Phase Mitigation Measures, measures in the medium/high risk category (indicated in bold), of Air Quality Assessment by NJD Environmental Associates, ref: NJD25-0075-003R and retained for the duration of the demolition and 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

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NF4 Competent Person - Footnote

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

CEMPC Construction Environmental Management Plan - Condition

Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

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

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

CEMPF Construction Environmental Management Plan - Footnote

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays

- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "*Guidance on the assessment of dust from demolition and construction*" Version 2.2 2024.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.