Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/92882 Cellars Clough Mill, Manchester Road, Marsden, Huddersfield, HD7 6LY		
Erection of 75 dwellings with associated parking, infrastructure, hard and soft landscaping and access from Manchester Road		
Responding Date: **18th November 2025**	**Responding Officer:** **SR**	**Responding Ref:** **WK202536581**

Comments

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 Baseline and Emission Mitigation Assessment by Enzygo, ref: SHF.9022.001.AQ.001.P.01 has been submitted.

The report details the impact 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. TG22), 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 modelled. Overall, the development is considered to be medium of dust soiling impacts.

The report goes on to list the required mitigation (IAQM guidance) for fugitive dust within Table 10 within Section 6.1. Should this mitigation be successfully implemented the effects of dust 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 was modelled by a transport consultant, based on the 75 unit scheme the operational phase is predicted to generate 300 AADT flows on the local network with no HGV's. The traffic generation would not increase existing traffic on roads with > 10,000 AADT by 5% (i.e. 500 AADT). The report concludes that the impacts relating to road traffic emissions were considered to be not significant.

The report considers 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 in Table 11: Operation Phase Mitigation Measures These include but are not limited to; the provision of

EV charging for each property, if dedicated parking is provided and 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.

The planning officer should ensure appropriate levels of EVCP's are provided when the applicant conforms if dedicated or general parking is provided to site. This should meet the requirements of the WYLES document: 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). Additional proposed mitigation should be provided as part of the overall scheme, such as a travel plan, access to public transport. Travel plans are not within the remit of Environmental Health and comments should be sought from other consultees.

Contaminated Land
In support of the application a Preliminary Appraisal Report by Sirius Geotechnical, dated September 2025, ref: C10400 has been submitted. The report contains geotechnical information which is beyond the remit of Environmental Health. This response relates to contaminated land only.

The site is described as generally flat lying, formed partly by concrete slabs and roughly surfaced / grassed ground elsewhere. A raised, unsupported / non-retained area in the west is understood to be associated with a backfilled former mill pond. A 2- 3m high stone wall is located along the northern site boundary, retaining a canal towpath and canal located at a higher topographical level. Several stockpiles of partly roughly vegetated materials are present within the northern area of the site, appearing to comprise construction rubble, including sandstone, brick and tarmac.

The site history since 1854 has been presented. The report informs the site is reported to be underlain by Alluvium (described as clay, silt, sand and gravel). River Terrace Deposits (sand and gravels) are shown immediately north of the site. The underlying solid geology is recorded as Carboniferous Millstone Grit (Marsden Formation), described as sandstone, interbedded with siltstone and mudstone. The report has considered previous site investigations, identifying, demolition rubble type made ground to depths of between 0.2m and 3.1m below ground level (bgl).

The conceptual site model identifies several potential pollutant linkages which necessitate further investigation. It is concluded that an intrusive investigation including a gas risk assessment, is necessary to confirm the potential source-pathway-receptor linkages identified. The report assumes that ground levels will be raised in the order of c. 2m from existing and caveats: "*If this is not the case, then the conclusions and recommendations given in this report may require amendment.*" We anticipate confirmation of ground levels within the phase 2 report.

We accept the report and recommend the following conditions. Due to the potential risk to controlled waters the planner is advised to consult the Environment Agency.

Kirklees COUNCIL

Recommended Conditions

DUST1 Implement agreed Dust Mitigation Scheme – Condition
Before any demolition and/or construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and/or construction phase of the development shall be implemented in accordance with those detailed in (Table 10 within Section 6.1of the Air Quality Baseline and Emission Mitigation Assessment by Enzygo, ref: SHF.9022.001.AQ.001.P.01) and retained for the duration of the demolition and/or construction period.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

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.