

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2026/91494 Land off, Penistone Road, Birdsedge, Huddersfield, HD8 8XP		
Outline application for erection of residential development, including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road.		
Date Responded: 16/07/2026	Responding Officer: KB	Responding Ref: WK/202619825
<u>Contaminated Land</u> Our records indicate the site is adjacent to potentially contaminated land (Our site ref: 78/23) which is a former mill and gasworks site. A Phase 1 Geotechnical & Geo-environmental Site Investigation by Eastwood Engineers Ltd dated 29th March 2026 (Ref: 50175-ECE-XX-XX-RP-C-0002) has been submitted in support of the application. The report includes geotechnical information, which falls outside the remit of Environmental Health. This consultation response focuses solely on the land contamination aspects of the report. The site comprises an area of 3.17ha of undeveloped agricultural land with no recorded history of significant industrial activity, and therefore there are no identified major on-site sources of contamination. Published data and site walkover observations indicate that made ground is unlikely to be present, and natural soils are expected to be within acceptable thresholds for residential end use. Potential sources of contamination are limited and largely off-site or historical in nature, including a former textile mill to the north-west, historic quarrying and areas of potentially infilled land within 250m of the site and a former gasometer to the north of the site. These sources are not considered to present a significant risk to the site given their distance, scale, and the lack of direct pollutant linkages. The preliminary conceptual site model (pCSM) presents a low risk to human health and concludes that widespread contamination is unlikely. The site is potentially suitable for residential use, subject to confirmation through intrusive investigation. Comments Given that the proposal constitutes a major residential development, it is recommended that a full suite of contaminated land planning conditions is attached to any planning permission to ensure the site is suitable for its intended residential use. This approach is consistent with national planning policy and ensures that any unforeseen risks are appropriately identified and mitigated. It is expected that any intrusive investigation would be informed by the Phase 1 Geotechnical & Geoenvironmental Site Investigation and carried out in accordance with current best practice.		

Air Quality

We have reviewed the Air Quality Assessment (Redmore Environmental Ltd, Ref. 10464r3, dated 12 March 2026) submitted in support of the outline planning application for residential development at Land off A629, Birdsedge.

The assessment predicts pollutant concentrations below the relevant Air Quality Objectives and concludes that operational air quality impacts associated with the development would not be significant at this outline stage. Whilst we generally agree with the assessment approach and note that no unacceptable air quality impacts have been identified, a number of aspects of the methodology and supporting evidence require further clarification and justification.

Uncertainty remains regarding the construction phase assessment, traffic screening methodology, cumulative development assumptions, traffic data inputs and model verification process. Consequently, the assessment cannot currently be fully verified.

Comments

Given the outline nature of the application, the absence of any predicted significant air quality impacts and the fact that the matters identified relate primarily to clarification and justification of the assessment methodology, we recommend that these matters are secured through a planning condition requiring the submission and approval of an updated Air Quality Assessment.

The specific matters requiring clarification are set out below.

1. Construction Phase

The submitted assessment does not consider construction traffic impacts and provides no justification for their omission. Whilst detailed construction information may not be available at outline stage, proportionate commentary should be included to demonstrate that such impacts have been considered or to explain how they will be addressed at a later stage.

The construction Dust Risk Assessment (DRA) also omits consideration of demolition activities. Whilst demolition may not be required, this assumption is not explicitly stated or justified within the report.

2. Operational Phase

The report does not clearly explain the methodology used to identify the affected road network and derive the study area. Whilst the extent of the modelled network appears appropriate and precautionary, insufficient information has been provided regarding the screening and scoping criteria applied. It is unclear whether the DMRB scoping criteria or IAQM/EPUK indicative screening criteria have been followed, although given the nature of the development we would expect the latter. The assessment should also confirm the forecast development trip generation and whether the proposals exceed the relevant IAQM/EPUK screening thresholds. This additional information would provide greater transparency regarding the need for detailed assessment and the selection of affected road links.

3. Traffic data

The opening year 2031 has been modelled using 2024 emission factors and 2024 background concentrations. This represents a conservative approach, and we agree with this methodology.

The assessment states that development traffic flows were provided by Andrew Moseley Associates Ltd and that baseline traffic flows were derived from DfT traffic counts with TEMPro growth factors applied. However, the model verification appears to rely on traffic data obtained from a 2018 BWB Air Quality Assessment rather than observed traffic data. Insufficient information has been provided to demonstrate that these traffic inputs accurately represent conditions during the 2024 verification year. Clarification should therefore be provided regarding the source, validation and suitability of the traffic data used for verification, together with confirmation of how committed and cumulative developments have been incorporated within the assessment and traffic forecasts.

4. Model Verification

Section 4.3.1 states that the nearest monitoring location undertaken by Kirklees is approximately 6 km from the site and concludes that pollution levels are unlikely to be comparable over such a distance. However, Appendix 1 indicates that monitoring locations at a similar distance (approximately 5.5 km from the site, within the jurisdiction of Barnsley Council) have been utilised for model verification purposes. Whilst it is recognised that baseline characterisation and model verification serve different functions within an air quality assessment, the apparent inconsistency should be explained and the suitability of the selected verification sites justified.

In addition, the verification locations are situated several kilometres from the application site and are likely to experience different traffic flows, road characteristics and local environmental conditions. Clarification should therefore be provided regarding how representative these locations are of conditions within the study area and how they compare with the application site in terms of traffic characteristics, surrounding land use and local environment.

The assessment derives a verification factor of 2.3603 from the comparison of monitored and modelled NO_x concentrations. However, limited information has been provided regarding overall model performance and uncertainty. The verification section does not include supporting statistical indicators such as RMSE, correlation coefficient (R^2) or fractional bias, and provides limited commentary regarding model uncertainty in accordance with DEFRA TG22 guidance. Consequently, insufficient information has been provided to fully assess the robustness of the verification process and the level of confidence that can be placed in the verified model outputs.

5. General Report

Section 4: Baseline: Section 4.2.1 states that there are ten declared Air Quality Management Areas (AQMAs) within Kirklees, whilst this is correct based on the current published Annual Status Report (June 2025), as of the 11th of November 2025, three AQMAs have been revoked. The report should therefore be updated to reflect the current AQMA position within Kirklees.

Noise

A Noise Impact Assessment authored by ENS dated 17 February 2026 Ref NIA/12486/26/12801/v2/Penistone Road, Birdsedge has been submitted in support of the application.

Noise monitoring was conducted on the 28th of January 2026 from three monitoring positions as shown in Appendix B and a summary of the findings is given in table 3.1. Road traffic was identified as the dominant source although some mechanical plant associated with residential dwellings north-west of the site boundary was observed at monitoring position 2.

Modelling has been conducted which indicates some parts of the site may be exposed to elevated levels of noise for both daytime and nighttime periods. To meet with the internal requirements of BS8233, a specification for glazing and ventilation to the identified habitable rooms is shown in table 4.1. A recommendation is made for the external amenity areas to be located to the rear of properties fronting on to the A629 and where those areas of the site which do not benefit from the acoustic barrier formed by intervening properties once built out exceed the external requirements of BS8233, localised screening may be required and a specification is given in figure 5.1.

Comments

The findings of the report are accepted. However, a condition is recommended for a further/addendum report once the finalised site layout is determined to ensure if these recommendations are still applicable.

Electric Vehicle Charging Points (EVCPs)

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. An advisory relating to charging points is therefore necessary.

Construction Environmental Management Plan (CEMP)

A condition is recommended for the submission of a CEMP in order to protect the amenity of neighbouring properties during the construction phase.

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

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1), 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 190 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 190 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 190 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 190 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.

AQIAC1 Revised Air Quality Impact Assessment – Impact of new development on the area – Condition

Before any future application is determined, a revised Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall address the matters identified by Environmental Health within their consultation response and shall include, where applicable:

- further justification of the construction phase assessment, including consideration of construction traffic impacts or justification for their omission.
- clarification of any assumptions relating to demolition activities.
- details of the methodology used to identify the affected road network and screening criteria applied.
- confirmation of development trip generation, traffic data inputs and cumulative development assumptions.
- further justification of the traffic data used within the model verification process.
- justification of the monitoring locations used for model verification and their relevance to the application site.
- additional information regarding model performance, uncertainty and verification in accordance with relevant DEFRA guidance; and
- any amendments to the assessment conclusions or mitigation measures arising from the above.

The development shall thereafter be carried out in accordance with the approved assessment and any mitigation measures contained therein.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP47 of the Local Plan

AQIAF1 Air Quality Impact Assessment - Footnote

For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group document [Air Quality and Emissions - Technical Planning Guidance](#) which is part of the [West Yorkshire Low Emissions Strategy 2016-2021](#).

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences, a further/addendum 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 (nighttime) 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.

EVF1 Electric Vehicle Charging Points – Advisory Footnote

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity, and the installation must comply with all applicable electrical requirements in force at the time of installation.

- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group

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.