Kirklees COUNCIL

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2023/90651 - land off, South View, Paddock, Huddersfield, HD1 4UE		
Discharge conditions 5 (Phase I Desk Study Report), 12 (Construction Method Statement) on previous permission 2019/90206 (APP/Z4718/W/20/3244169) for erection of detached dwelling		
Date Responded: **17th April 2023**	**Responding Officer:** **NH & SR**	**Responding Ref:** **WK/202309443**

Condition 5 - Phase I Desk Study Report
Condition 5 on previous permission 2019/90206 (APP/Z4718/W/20/3244169) requires the submission of a Preliminary Risk Assessment (Phase I Desk Study Report). We acknowledge the submission of a Geotechnical Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C2752/22/E/4199). However, at the time of writing, no Phase I report has been received by Environmental Health for review.

Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the sites historical land use, site setting and the associated risks from contaminants to receptors are unspecified. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed.

The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) have produced technical guidance for the development on contaminated land. The *Development on Land Affected by Contamination: Technical Guidance for Developers,* Landowners and Consultants (dated June 2020, version 11.2) document details the requirements for a robust Phase I report and should be consulted.

Until further information is received, we recommend that Condition 5 remain.

Condition 12 - Construction Method Statement
Condition 12 includes structural aspects that do not fall within the remit of environmental health, advice should be sought from other consultees.

To assist with the discharge of condition 12 the following information has been submitted:

- Construction Management Plan (CMP) by C49 Architecture, titled Land at South View Paddock, Huddersfield
- A Dust and Noise Plan by C49, titled Land at South View, Paddock, Huddersfield

These documents demonstrate how construction site noise, dust and lighting are to be controlled so as not to impact the amenity of neighbouring residential properties during the development.
The documents demonstrate that controls are in place to minimise disturbance in relation to noise, dust and artificial lighting associated with the construction. The hours of operation are outside the scope of accepted standards, we would remind the applicant that should disturbance occur outside our normal operating hours formal action may be instigated.

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Recommendations

Condition 5 - Phase I Desk Study Report

A Phase I report must be submitted in support of Condition 5. No such report appears to have been provided. Therefore, Condition 5 must remain. The applicant must provide further information before we can provide further comments.

Condition 12 - Construction Method Statement

We recommend that the elements within the remit of Environmental Health contained within the Construction Management Plan (CMP) by C49 Architecture, titled Land at South View, Paddock, Huddersfield and the Dust and Noise Plan by C49, titled Land at South View, Paddock, Huddersfield are approved. However, condition 12 remains in place for the whole period of construction, until completion and therefore cannot be fully discharged until all demolition work at the site is completed.

Informative

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites (which includes demolition) 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.

Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays