

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/90772 Land at Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Discharge conditions 3 (CEMP), 7 (waste collection), 14 (soft landscape), 17 (boundary treatment), 25 (tree/shrub planting) on previous permission 2020/90725 for erection of 68 dwellings with associated access, parking and open space (revised plans)
Responding Date:
6th July 2023

Responding Officer:
SR

Responding Ref:
WK202319698

Comments

Our comments are in relation to points within condition 3 (CEMP) that are within the remit of Environmental Health only.

Condition 3 Construction Environment Management Plan (CEMP)

To assist with the discharge of Condition 3 a document by Newett Homes, titled Detailed Construction Management Plan, dated 03/05/2023 has been submitted. The plan lists the controls to be employed at the site to limit the loss of amenity to nearby sensitive receptors by way of fugitive dust, noise and artificial light.

Fugitive Dust

Control measures include but are not limited to: -

- A wheel wash system will operate to limit debris on vehicles leaving site.
- Water assisted dust sweeper to be used on access and local roads, this will be monitored and may be used continuously if necessary.
- Vehicles in use at site will be covered to prevent escape of materials.
- Speed limits have been set on site.

Other dust control measures are listed in Section 7.2.1 and section 7.3, additional controls are detailed in Appendices 1,2 and 3. These controls are in accordance with the necessary controls listed in Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction"

Noise

Controls on site are listed in Section 7.1.2, in addition the controls within British Standard BS 5228 Noise and vibration control on construction and open sites will be employed.

Working hours are listed in Section 4.1, these are within our accepted standards. We would remind the applicant that if noise generating activities occur outside these hours an application may be required under Control of Pollution Act 1974, Section 61.

Construction Related Artificial Light

The plan confirms artificial light will only be used within dwellings; this will control light spill.

Site Layout and Communications

The plan titled Construction Management Plan, drawing no. FB-006, Rev B, dated 5/5/23, provides information on the siting of the compound, silos and contractor parking.

A complaints procedure is listed in section 5.2.2 and the responsible person for customer complaints has been identified in Section 4.2

The CEMP will be available on via the Kirklees Planning Portal, Section 5.2.1, it includes

details of the responsible person on site and that site hoardings will be kept up to date with relevant information in addition to a neighbour newsletter. A complaints procedure is included in the plan, detailing targets for contacting complainants. Monitoring and recording in relation to dust, noise and complaints will be undertaken. Records will be made available to Environmental Health upon request.

We accept the Construction Management Plan, dated 03/05/2023 by Newett Homes.

Recommendations

Discharge of Condition 3

We recommend that the Detailed Construction Management Plan, dated 03/05/2023 by Newett Homes is approved. However, condition 3 remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

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.