

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2023/93077 Land off Westgate, Cleckheaton, BD19 5DR

Discharge of conditions 6 (phasing plan), 7 (Phase II report), 8 (Remediation Strategy), 11 (CEMP), 12 (watercourse assessment), 13 (temporary drainage), 14 (flood routing), 15 (discharge rate), 16 (retaining walls and features), 18 (invasive species), 19 (drainage in highway), 20 (CEMP: Biodiversity) and 21 (highway condition surveys) of previous permission 2021/93567 for demolition of existing commercial buildings and erection of 180 dwellings with associated works

Responding Date:
2nd February 2024

Responding Officer:
SR

Responding Ref:
WK202402974

Comments

This response is in relation to condition 11 Construction Environmental Management Plan (CEMP) only. Following our comments dated the 14th of December 2023 an email dated the 17th of January 2024 and revised documents have been submitted. The submitted information provides sufficient information to satisfy the elements of condition 11 which are within the remit of environmental health, namely controls in relation to noise, fugitive dust, construction related artificial light and communications.

We accept the submitted information and make the following recommendation.

Recommendations
Condition 11 - Construction Environmental Management Plan

We accept the email dated the 17th of January 2024, Construction Management and Mitigation Plan For: Cascade, Westgate, Cleckheaton (Date: January 2023), Construction Environment Management Plan CEMP: (Biodiversity) Rev: ER-4666-05B and recommend the elements of condition 11 that are within the remit of Environmental Health are discharged. However, condition 11 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.

The applicant is reminded that 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.