

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2024/90425 - land south of, Swallow Lane, Golcar, Huddersfield, HD7 4NB
Discharge of conditions 3 (CEMP), 4 (CMP), 5 – 7 (Ground Investigations), 9 (road specification), 10 (footway specification), 11 (road condition survey), 12 (surface water drainage strategy), 13 (construction phase drainage strategy), 14 (arb method statement) and 15 (invasive non-native species protocol) on previous permission 2023/92749 for Variation of condition 2 (plans and specifications) on previous permission 2020/94096 for erection of 21 dwellings and associated works
Date Responded:
21st March 2024
Responding Officer:
SR & NH
Responding Ref:
WK/202405939
Condition 3 – Construction Environmental Management Plan

In support of the discharge of condition 3, a Construction Environmental Management Plan by Jones Homes dated the 30th of January 2024, ref: 001 has been submitted. The document has been assessed in relation to the following areas which are within the remit of Environmental Health.

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

Communications

The Project Manager is designated the responsible person on site and will coordinate all monitoring and review. The document details the system for site audits and the reporting (complaint) structure. CEMP has been designed to be a fluid document which can be updated as the project develops. It sets out the construction program. All staff will undertake training to ensure knowledge of the controls within the CEMP. Construction times are in line with Kirklees standard hours of construction. Site contacts are listed in Appendix 5.

Construction Noise

The CEMP references the adoption of best practical means and shall have regard to the recommendations in BS5228, Noise Control on Construction and Open Sites. In addition to specific controls listed in the CEMP provision has been made for the screening of noise generating activities as and when required.

Fugitive Dust

We note that section 4.5 suggests a wheel wash facility will not be required. It is our opinion that construction sites of this size generally require these facilities. This requires review as it is my understanding it is a specific requirement of part of condition 4. Best Practicable Means (BPM) (as defined in Part III of the Environmental Protection Act 1990) is to be adopted, section 4.7 lists the site specific controls to be adopted.

Temporary Construction Related Artificial Lighting

External construction related lighting is to be kept to a minimum and will be directional to avoid spill and glare.

Condition 5 - Phase II Intrusive Site Investigation Report

A Phase 2 report by Michael D Joyce Associates from November 2019 (ref: 3974) has been received to support the application to discharge Condition 5. The report includes geo-

technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

Environmental Health has previously reviewed the report and did not accept it as part of our comments for application 2020/94096 (dated 17th February 2021). We requested additional clarification/information. This stance remains unchanged. Therefore, we recommend that Condition 5 remains until further notice.

Condition 6 – Remediation Strategy

While we acknowledge the submission of a remediation and validation strategy, we cannot assess its suitability without complete information for Condition 5. So, we recommend that Condition 6 remain until further notice.

Condition 7 - Remediation of the site

Until the development is complete and Condition 8 has been satisfied, we recommend that Condition 7 remain until further notice.

Recommendations

Condition 3 – Construction Environmental Management Plan

We recommend that the items within the remit of Environmental Health contained within the Construction Environmental Management Plan by Jones Homes dated the 30th of January 2024, ref: 001 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.

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.

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