Kirklees COUNCIL

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: **27th November 2024**	**Responding Officer:** **NH**	**Responding Ref:** **WK/202432831**

Condition 3 – Construction Environmental Management Plan
In support of the discharge of condition 3, a revised Construction Environmental Management Plan by Jones Homes dated the 2nd October 2024, ref: 002 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

The revised document appears to have amended the communication strategy. This is accepted. Other parts of the report may have been revised however this falls outside the remit of Environmental Health.

We recommend that the items within the remit of Environmental Health contained within the Construction Environmental Management Plan by Jones Homes dated the 2nd October 2024, ref: 002 are 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

Condition 5- 7 Contaminated Land Conditions
We have reviewed the Remediation and Validation Strategy (April 2024, 4112 Rev 1) and the Second Site Inspection - Verification Report No. 4366 (Letter dated 9th April 2024, ADJ/DJM/11409), both authored by Michael D Joyce Associates LLP, submitted in support of the application to discharge the contaminated land conditions.

The information provided is insufficient to discharge the conditions due to the following:

- The remediation proposals do not appear to address the presence of combustible material which has been confirmed on the site. Clarification is requested.
- No waste transfer notes have been provided to confirm the removal of material from the site.
- There is inadequate justification for the reuse of materials on this site.
- Clarification is required regarding the plots where remediation is proposed, as typographical errors create ambiguity.
- Confirmation of the testing schedule for areas under hardstanding and buildings is needed.

Until these issues are resolved, the conditions should remain to ensure safe development. For these reasons, we recommend that Conditions 5-7 should 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 2nd October 2024, ref: 002 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.

Condition 5- 7 Contaminated Land Conditions

We do not accept the Remediation and Validation Strategy (April 2024, 4112 Rev 1) and the Second Site Inspection - Verification Report No. 4366 (Letter dated 9th April 2024, ADJ/DJM/11409), both authored by Michael D Joyce Associates LLP and recommend that Conditions 5 to 7 remain until further notice. Please note this includes pre-commencement conditions.