

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2024/91996 - Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW		
Discharge of details reserved by conditions 7 (Phasing Plan), 8 (Phase 1 SI), 9 (Phase 2 SI), 12 (Highway Condition Survey), 13 (CEMP), 14 (Construction Environmental Management Plan: Biodiversity), 16 (Trial Trenching), 17 (Retaining walls adj to highways) and 19 (Temporary Surface Water Management Plan) of previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)		
Date Responded: 6th August 2024	Responding Officer: NH	Responding Ref: WK/202423414
Conditions 7, 12, 14, 16, 17 and 19 are outside the remit of Environmental Health. Condition 8 – Phase I Desk Study Report A report titled 'Land east of Penistone Road, Fenay Bridge, Huddersfield Summary Report on Previous Site Investigation' by ECUS Ltd dated January 2019 (ref: MM/12358/190107/P). The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report We reviewed and commented on this document as part of the previous permission 2022/93154 (response date 5th December 2022, responding ref: WK/202237898). We consider additional information necessary to satisfy the requirements of the condition. For these reasons, Condition 8 must remain until further notice. Condition 9 – Phase II Intrusive Site Investigation Report Condition 9 on previous permission 2022/93154 requires the submission and approval of a Phase II Intrusive Site Investigation Report. Therefore, we cannot consider the discharge of Condition 9 at this time, and we recommend that Condition 9 remains until further notice. Condition 13 - Construction Environment Management Plan A CEMP authored by Newett Homes dated October 2023 (Revision B), dated 03/05/2023 has been received in support of the application. Our comments are in relation to points within condition 13 (CEMP) that are within the remit of Environmental Health only. We have read the report provided and accept the document. However, the condition must remain until construction is complete. <u>Recommendations</u> Condition 8 – Phase I Desk Study Report We accept the Phase 1 Desk Study completed by Geoinvestigate Limited (dated January 2023, ref: G22504a) and recommend that Condition 6 is discharged. Condition 9 – Phase II Intrusive Site Investigation Report Condition 9 on previous permission 2022/93154 requires the submission and approval of a Phase II Intrusive Site Investigation Report. Therefore, we cannot consider the discharge of Condition 9 at this time, and we recommend that Condition 9 remains until further notice.		

Condition 13 - Construction Environment Management Plan

We accept the CEMP authored by Newett Homes dated October 2023 (Revision B), dated 03/05/2023 however Condition 13 should remain until the construction is complete. 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