

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2024/44/91996/W
Site Address:	Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Description:	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) 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)
Recommending Officer:	Katie Chew

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 12-Jan-2026

Officer Report

Application: 2024/91996

Application Site: Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Proposal: 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) 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).

Planning History

2020/90725: Erection of 68 dwellings with associated access, parking and open space (revised plans) – Granted

Applications 2020/90725 and 2022/93154 each approved 68 dwellings on site, albeit with notable variations between the two. Nevertheless, they shared many similar (if not directly repeated) conditions. The various Discharge of Condition (DOC) applications applicable to 2020/90725 need not be repeated here, but may be referenced in this assessment, where necessary.

Assessment

Condition 7 (Phasing Plan)

7. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details on dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space, road stages (including wearing course completion), on and off-site highway improvements, drainage infrastructure, delivery of the footpath to Whitegates Grove, and the stairs and connected footpath between plots 40 and 43. The development shall be implemented in accordance with the approved phasing plan.

Reason: *To define the scope of this permission and to provide clarity in relation to the progression of development across the site. This is a pre-commencement condition to ensure the appropriate infrastructure may be delivered alongside the delivery of units.*

In support of Condition 7 the following document has been submitted:

- Phasing Plan, Drawing No. Z078 – 004 Rev. B, received 06/11/2024.

The plan ref. Z078-004 rev. B has been submitted pursuant to condition 7. This document splits the site delivery into three phases, with a start date July 24 and end date of September 26.

Within this, the phasing plan sets out appropriate and reasonable delivery of the dwellings and the various bits of key infrastructure, as identified within the condition. This includes the attenuation tank being delivered prior to first occupation, roads (to base course) and sewers being provided to access dwellings as they're occupied, and the Public Open Space and connective footpaths (including the stairs) being delivered in parcels at reasonable intervals and when required.

Officers consider the submitted details to be acceptable and recommend that they be approved. However, as the condition has ongoing requirements it cannot be fully discharged at this time. A note setting out the ongoing requirements is recommended to be included on the decision notice.

Condition 8 (Phase 1 SI) and Condition 9 (Phase 2 SI)

8. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan. The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan. The undertaking of intrusive site investigations, prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be*

identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

In support of Conditions 8 & 9 the following documents have been submitted:

- Supplementary Geoenvironmental Appraisal, Report No. 4526/1, authored by Lithos, dated December 2024, received 22/01/2025.

These conditions have been reviewed by KC Environmental Health (ENVH) who have provided the following response in their consultation dated 06/08/2024:

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.

Following receipt of a Supplementary Geoenvironmental Appraisal by Lithos, further comments were received from ENVH dated 10/02/2025:

A Supplementary Geoenvironmental Appraisal by Lithos, dated December 2024 (ref: 4526/1), has been received in support of the application to discharge Condition 9. The report includes geotechnical information, which falls outside the scope of Environmental Health. Therefore, this consultation response focuses solely on the land contamination aspects of the report.

Lithos provides an appraisal of the site history and environmental setting and includes a preliminary conceptual site model in the appendix of the report. Several potential contaminant linkages were identified, associated with possible farming activities at the site. A preliminary gas risk assessment was carried out by WSP/Ecus, which determined that the gas risk at the site is low and that no gas protection measures are necessary.

The report states that a walkover survey of the site was conducted on 13th November 2024. At the time of the survey, it was noted that preparatory and active construction work was underway. Lithos explained that topsoil had been stripped from the entire site and placed into a stockpile. Several samples were taken from the stockpiled material and sent for chemical analysis. The results of the analysis were compared to a residential scenario with plant uptake. No exceedances of organic or inorganic contaminants were found. As a result, Lithos concludes that no plausible contaminant linkages have been identified.

We accept the Supplementary Geoenvironmental Appraisal by Lithos, dated December 2024 (ref: 4526/1). This report satisfies Condition 8 and 9. Therefore we recommend that these conditions are discharged.

Based on the above, KC ENVH advise that the submitted details are acceptable to discharge Conditions 8 & 9. Officers concur with this assessment and recommend that these conditions are discharged.

In terms of remediation and condition 10, K.C. Environmental Health have stated:

No formal remediation strategy for contamination is therefore considered necessary. However, we understand from the document that a regrading is required.

The applicant must confirm to the planning officer that no imported material will be used as part of the development. If imported material is to be used, the developer must demonstrate how the material will be assessed as suitable for its intended use and not pose a risk to human health.

This note is recommended to be repeated on the decision notice.

Condition 12 (Highway Condition Survey)

12. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a

further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Reason: *Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment prior to traffic associated with the development commencing movements.*

In support of Condition 12 the following document has been submitted:

- Dilapidation Survey, draft issue, authored by Andrew Moseley Associates, dated March 2023, received 16/07/2024.

It is important to note that this condition was also imposed on the earlier 2020/90725 (condition 10) and discharged via DOC app ref. 2023/90773.

This condition has been reviewed by KC Highways who have provided the following response in their consultation dated 05/09/2025:

'...happy for this to be discharged given works has already commenced and the extents are the same as previously carried out'.

Officers concur with the above comments and note that the applicant has submitted the same Dilapidation Survey, dated March 2023. Given that the development has commenced, it is reasonable to accept the same survey as before, to establish the correct baseline before the applicant's on-site works commenced.

The submitted details remain acceptable and may be approved. However, it should be noted that Condition 12 has requirements related to different stages of development. While the submitted details are acceptable for the initial pre-commencement aspect of the condition the applicant should be made aware that condition 12 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with

a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Condition 13 (CEMP)

13. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a) Any phasing of development and timetable of all works;*
- b) Hours of works;*
- c) Details of construction access arrangements;*
- d) Construction vehicle sizes and routes;*
- e) Numbers and times of construction vehicle movements;*
- f) Locations of HGV waiting areas and details of their management;*
- g) Parking for construction workers;*
- h) Loading and unloading of plant and materials;*
- i) Storage of plant and materials;*
- j) Signage;*
- k) Lighting during construction works;*
- l) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;*
- m) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;*
- n) Street sweeping;*
- o) Measures to control and monitor the emission of dust and dirt during construction;*
- p) Site waste management, including details of recycling/disposing of waste resulting from construction works;*
- q) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;*
- r) Artificial lighting used in connection with all construction-related activities and security of the construction site;*
- s) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;*
- t) Details of engagement undertaken / to be undertaken with local residents, occupants and/or their representatives; and*

u) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: *In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.*

In support of Condition 13 the following document has been submitted:

- Construction Environmental Management Plan, Revision F, authored by Newett Homes, dated October 2025, received 29/10/2025.
- Construction Management Plan, Drawing No. Z078-004, Rev F, received 29/10/2025.

The submitted details have been reviewed and accepted by KC Highways Development Management (HDM), comments received 05/09/2025 and KC Environmental Health (ENVH), comments received 06/08/2024. An assessment of the submitted documents is outlined below.

Any phasing of development and timetable of all works

Details of phasing and the programme of works are set out within Section 2 of the submitted CEMP. This is also discussed in more detail within Condition 7 and is deemed to be acceptable.

Hours of works

Working hours are shown within Section 3 of the CEMP and are restricted to:

- Monday to Friday – 07:30-18:30
- Saturday – 08:00-13:00
- No working on Sundays or Bank Holidays

These hours are standard within the construction industry and are considered acceptable. There are no site-specific circumstances which warrant more restrictive hours.

Details of construction access arrangements

Section 5 of the submitted CEMP relates to site access, storage & movement of materials. It states that the main access to the site during construction works will be via Penistone Road, located to the west of the site. This is acceptable.

In addition to this, the CEMP notes that for a temporary period access to the site was taken via the existing bell mouth access located on Whitegates Grove to the north of the site. This was done to avoid delays resulting from the required advertisement period of 3 months prior to works commencing for the Penistone Road access.

KC Highways requested that no HGV vehicular access was to be taken via Whitegates Grove due to poor visibility. Following revisions to the document, it is now noted in Paragraph 5.11 that the White Gates Grove access is now closed (as of February 2025), except for access to contractor parking. This is considered acceptable.

The above details are therefore considered to be acceptable.

Construction vehicle sizes and routes

Paragraphs 5.12 – 5.13 of the CEMP outline the travel routes to the development both when travelling from north to south, and from east to west.

It states that Rowley Lane is to be avoided 'as this 'B' road is not suitable for large site vehicles'. This is welcomed.

In terms of vehicle sizes, the CEMP states that the contractors fleet comprises of (all 8 wheelers – axel set up 8x4):

- Volvo FMX 420 9.8m long, 2.5m wide
- Scania P410 9.2m long 2.6 wide
- MAN TGS 9.4m long 2.55m wide

Vehicle tracking has been undertaken on the basis of the Volvo FMX 420 as the 'worst case scenario' being the largest vehicle of the fleet. The tracking details are provided at Appendix F of the CEMP.

Paragraph 5.12 of the CEMP acknowledges that any vehicles over 7.5 tons are prohibited from travelling through Flockton.

The above details are considered to be acceptable.

Numbers and times of construction vehicle movements

Paragraph 6.13 of the CEMP states the vehicle movements to and from the site will vary as construction progresses, however for a typical site of this scale, they anticipate that site operations will involve approximately 12 to 20 vehicle movements each working day.

Paragraph 5.18 notes that all deliveries of materials and plant will be scheduled to fall within the authorised working hours:

- Monday to Friday – 07:30-18:30
- Saturday – 08:00-13:00
- No working on Sundays or Bank Holidays

Given the above assessment, the above details are considered to be acceptable.

Locations of HGV waiting areas and details of their management

In terms of HGV waiting areas and their management, HGV waiting areas have been identified on the submitted Construction Management Plan (located within Phase 3 of the development) and these areas are to be managed by a site banksman accordingly.

The above details are considered to be acceptable.

Parking for construction workers

Paragraph 5.19 of the submitted CEMP outlines that on-site staff parking is provided in the 20 no. allocated parking areas identified on the appended Construction Management Plan. With a total of 6 no. contractors expected on site at any one time.

This is deemed to be reasonable, and therefore the above details are considered to be acceptable.

Loading and unloading of plant and materials

A loading and unloading area is shown within the appended Construction Management Plan drawing. This is shown to be located within Phase 1 of the development, adjacent to the site access for construction during Phase 1 (White Gates Grove).

The above is considered to be acceptable.

Storage of plant and materials

Paragraph 5.17 of the submitted CEMP notes that storage of all plant and materials are to be within the designated areas identified within the submitted Construction Management Plan. These areas are segregated with fencing and during out of operational hours, these fenced areas are to be secured to avoid access by unprohibited personnel.

The appended Construction Management Plan drawing does show 4 'stores' to be provided on site, these are located well away from adjacent neighbouring properties and therefore the above is considered to be acceptable.

Signage

Section 8 of the submitted CEMP states that construction site safety signage should be regularly maintained and updated throughout the construction phase to ensure it stays relevant and effective. It must also be clearly visible and easy to interpret, even from a distance.

Details of the signage erected are shown within the submitted Construction Management Plan (CMP) (drawing no. Z078-024 Rev F). The CMP shows the site entrance signage, which is considered to be relevant, visible and easy to interpret.

The above details are therefore considered to be acceptable.

Lighting during construction works, and security of the site

Section 9 of the submitted CEMP details the temporary site lighting which will be required during the construction phase. This is considered acceptable.

Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt

Section 7 of the submitted CEMP provides details on the proposed temporary drainage arrangements at the site during the construction phase, this matter is considered in greater depth as part of condition 19, later within this report, where the details provided are concluded to be acceptable.

Measures to control and monitor the emission of dust and dirt during construction, and measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site

Section 6 of the CEMP provides details on dust management and notes that activities are to be mitigated using standard mitigation measures along the

scheme route, and all construction compounds. These mitigation measures are outlined within the table in Appendix C of the CEMP.

Where standard mitigation may not be sufficient, additional mitigation measures are proposed and these are outlined within the table in Appendix D of the CEMP.

The above measures include, but are not limited to:

- Covering stockpiles;
- Seeding stockpiles;
- The erection of fencing around stockpiles
- Implement a wheel washing system where reasonably practicable
- Regular road sweepers will be on site for the full duration of the phase of works on the development.

Mud control measures are also set out within paragraphs 6.9- 6.14.

The above details are considered to be acceptable.

Site waste management, including details of recycling/disposing of waste resulting from construction works

Section 10 of the submitted CEMP relates to waste management, this section outlines that the site team is to implement a waste management plan to ensure that all waste materials are handled, stored and disposed of in an environmentally responsible manner. This includes segregating waste at the source into categories such as recyclables, hazardous materials, general waste, and construction debris. Waste is to be stored in clearly labelled containers to prevent contamination and reduce the risk of accidents. Regular waste audits will be conducted to track waste generation and identify opportunities for recycling and waste reduction. Where possible, materials are to be reused on-site, and contractors will be encouraged to minimise packaging and select sustainable materials. All waste will be disposed of through licensed waste carriers, ensuring compliance with local regulations and minimising the environmental impact.

The above details are considered to be acceptable.

Mitigation of noise and vibration arising from all construction-related activities

Section 6 of the submitted CEMP provides details on noise management, noting that construction activities will be undertaken in accordance with British Standards BS5228 2009 Noise and Vibration Control on Construction Sites standards. In addition, the contractors will be required to adopt the following more specific measures:

- Vehicles and mechanical plant will be maintained in a good and effective working order and operated in a manner to minimise noise emissions. The contractor will ensure that all plant complies with the relevant statutory requirements;
- HGV and site vehicles will be equipped with white noise reversing alarms;
- Compressor, generator and engine compartment doors will be kept closed when not in use and plant turned off;
- All pneumatic tools will be fitted with silencers / mufflers;
- Care to be taken when unloading vehicles to avoid unnecessary noise;
- The use of particularly noisy plant will be, limited, i.e., avoiding use of noisy plant early in the morning;
- Restrict the number of plant items in use at any one time;
- Reduce the speed of vehicle movements;
- Ensure that operations are designed to be undertaken with any directional noise emissions pointing away from noise-sensitive receptors;
- Drop heights will be minimised when loading vehicles with rubble;
- Vehicles will be prohibited from waiting within the site with their engines running or alternatively, located in waiting areas away from sensitive receptors; and,
- Local hoarding, screens and barriers will be erected to shield particularly noisy activities.

The above details are considered to be acceptable to officers, and also K.C. Environmental Health per their consultation response dated 06/08/2024.

Site manager and resident liaison officer contact details, including details of their remit and responsibilities

The site manager and public liaison person are identified, along with their remits, in paragraphs 3.6 and 3.8 of the CEMP. A phone number is only provided for the public liaison person, however given the remit of this role, this is accepted.

Details of engagement undertaken / to be undertaken with local residents, occupants and/or their representatives

Section 4 of the CEMP details means of engagement with local residents.

The details provided are considered acceptable.

Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts

Paragraph 4.13 states that to ensure a smooth operation and minimise disruptions during the construction period, the developer will actively engage

with other developers in the vicinity. It is also recognised that HS2 and HS3 projects may commence concurrently, and therefore the developer will identify these builders and arrange meetings to discuss and agree on communication strategies. Contact details will be exchanged to facilitate prompt communication and address any matters as they arise. This approach aims to mitigate any adverse impacts within the area and ensure that all parties can work effectively towards developing out the respective sites.

The above details are considered to be acceptable.

Summary

The submitted CEMP details the scope of the works and the measures to be taken to safeguard the amenity of neighbouring properties as well as to ensure the highway is not obstructed and to ensure harm to biodiversity is avoided. KC Environmental Health and KC Highway Development Management have assessed the submitted CEMP and, in their respective comments, have noted that it addresses the operational activities and meets with the requirements of the above condition.

Officers concur with this assessment and recommend that the details of Condition 13 are approved.

However, Condition 13 does have the below ongoing requirement, which shall remain in place for the whole period of the construction phase. Thus, this condition cannot be fully discharged until all construction works at the site have been completed:

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Condition 14 (CEMP: Biodiversity)

14. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities.*
- b. Identification of “biodiversity protection zones”.*
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

- d. The location and timing of sensitive works to avoid harm to biodiversity features.*
- e. The times during construction when specialist ecologists need to be present on site to oversee works.*
- f. Responsible persons and lines of communication.*
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h. Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: *To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

In support of Condition 14 the following document has been submitted:

- Construction Environmental Management Plan: Biodiversity, Rev A, authored by FPCR environment & design, dated November 2024, received 06/11/2024.

An assessment of the submitted documents is outlined below.

Risk assessment of potentially damaging construction activities

A risk assessment of potentially damaging construction activities are set out within Table 1 of the submitted CEMP and are considered to be acceptable.

Identification of “biodiversity protection zones”

Section 4 of the submitted CEMP provides an explanation of what Biodiversity Protection Zones are and how they have been formed within the site and will be managed during construction works. Figure 1 appended to the CEMP also identifies the areas of biodiversity protection zones within the site.

Given the above assessment, the submitted details are considered to be acceptable.

Practical measures to avoid or reduce impacts during construction and the location and timing of sensitive works to avoid harm to biodiversity features

Section 4 of the submitted CEMP provides a precautionary ecological working method statement in respect of habitats, invasive species, fauna, noise,

lighting, nesting birds, bats, otter, and badgers. With Section 5 of the CEMP providing details on the protection of water sources, partially in relation to run off-waters and silt pollution, fuels and oil and water and effluent.

The above details are considered to be acceptable.

The times during construction when specialist ecologists need to be present on site to oversee works

Section 6 of the submitted CEMP provides a timetable for construction works, which sets out the habitat or feature to be affected, the activity to be undertaken, mitigation, the recommended timing and the person responsible for overseeing the works.

The above details are considered to be acceptable.

Responsible persons and lines of communication

The submitted CEMP identifies the roles and responsibilities, noting that the CEMP: Biodiversity shall be reviewed jointly by the Principal Contractor and ECoW every six months until completion of all construction and landscaping works.

An Ecological Clerk of Works shall be appointed by the contractor to oversee the delivery of the mitigation and biodiversity enhancement measures on site. The site manager will be the main point of contact for the ECoW, and any actions required to be completed following a site audit by the ECoW will be overseen/instructed by the site project manager. Once appointed the name and contact of the ECoW is to be kept in the site office at all times.

Whilst no contact details are provided within the CEMP: Biodiversity for the Principal Contractor, Site Manager and Site Project Manager, it is acknowledged that within the submitted CEMP, Revision E, authored by Newett Homes, dated October 2024, received 22/03/2025, contact details of the Site Manager are provided.

The above details are therefore considered to be acceptable.

The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

Section 2 of the submitted CEMP provides details on the role and responsibilities of an ecological clerk of works who is to be appointed by the contractor to oversee the delivery of the mitigation (and biodiversity enhancement) measures on site.

The ECoW will be responsible for the following:

- ensuring all of the appropriate ecological mitigation measures are implemented and recorded/ reported, as necessary;
- ensuring all necessary reporting to the LPA is completed and submitted in a timely fashion;
- providing information to the Site project manager to inform programming;
- recording all site inspections and audits;
- communicating action points to the site project manager and site staff directly where there is a need for urgent action to prevent environmental harm;
- monitoring the ecological and environmental performance of any sub-contractors and provide correction or direction as necessary; and
- feeding back lessons learnt to the project team to inform any future phases of works.

The above details are considered to be acceptable.

Use of protective fences, exclusion barriers and warning signs

A description of protective Heras fencing is provided at paragraph 4.2 of the CEMP, Paragraph 4.7 goes on to say that measures to protect the root protection areas of retained trees should be followed, as outlined in paragraph 4.2, the Arboriculture Report (ECUS, 2023) and any updated Arboricultural reports required under Condition 15.

Figure 1, appended to the CEMP shows a Biodiversity Protection Zone Location Plan. This outlines where the biodiversity protection zones are within the site, and the areas where existing protective fencing has been erected. Additional protective fencing is also to be erected in accordance with this location plan.

The above details are considered to be acceptable.

Summary

The submitted CEMP details the scope of the works and the measures to be taken to ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm. The details submitted are acceptable, in compliance with the above subsections. Officers therefore recommend that the submitted details be approved. However, the condition has an ongoing requirement preventing full discharge at this time. A note of the ongoing requirement is recommended to be included in the council's decision notice.

Condition 16 (Trial Trenching)

16. Prior to development commencing, including any demolition and groundworks, an archaeological evaluation which reflects the site's

location close to an area of archaeological interest shall be submitted to, and approved in writing by, the Local Planning Authority.

Thereafter the development shall only take place in accordance with the approved WSI. The development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed. The evaluation shall include:

- The programme and method of site investigation and recording*
- An evaluation of any identified features of importance and any necessary preservation in situ of identified features of importance*
- The programme for post-investigation assessment.*
- The provision to be made for analysis and reporting.*
- Nomination of a competent person/persons or organisation to undertake the works.*
- The timetable for completion of all site investigation and post-investigation works.*

Thereafter the development shall only take place in accordance with the approved evaluation and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the evaluation have been fulfilled or alternative timescales agreed.

Reason: *To ensure that any archaeological remains present are investigated and a proper understanding of their nature, date, extent, and significance gained. This is a precommencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.*

In support of Condition 16 the following documents have been submitted:

- Archaeological Evaluation by Trial Trenching, Report No. 4053, dated October 2023, authored by WYAS Archaeological Services, received 21/10/2024.

This condition has been reviewed by West Yorkshire Archaeology Advisory Services (WYAAS) who have provided the following response in their consultation dated 21/10/2024:

I have looked through the Fenay Bridge Trial Trenching report (XL52 Fenay Bridge TT Report v1red). The report outlines the results which were three ditches one of which contained modern material, and all the ditches aligned with some of the surviving field boundaries. The archaeological potential of the identified features is therefore negligible to low and no further work is recommended.

Officers support the above assessment and recommend that the details be approved. Given the nature of WYAAS' comments, no further works are required by the condition which therefore may be discharged in full.

Condition 19 (Temporary Surface Water Management Plan)

19. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: -

- phasing of the development and phasing of temporary drainage provision.*
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This precommencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.*

In support of Condition 19 the following documents have been submitted:

- Construction Surface Water Management Plan, Drawing No. 22/491/TSWMP/001, Rev A, received 01/10/2024.
- Surface Water Management Method Statement, authored by Alfa Site Services Ltd, dated 18/03/2024, received 01/10/2024.

This condition has been reviewed by KC Lead Local Flood Authority (LLFA) who have provided the following response in their consultation dated 22/10/2024:

*Plans and an accompanying method statement has now been submitted. **We recommend that this condition can be discharged.***

Officers support this assessment and recommend that the details be approved. However, as the condition has ongoing requirements it cannot be fully

discharged at this time. A note setting out the ongoing requirements is recommended to be included on the decision notice.

Recommendation: Approve.

Report Dated: 06/01/2026.

Recommended Decision Notice Text

Condition 7 (Phasing Plan)

Pursuant to Condition 7, you have submitted:

- Phasing Plan, Drawing No. Z078 – 004 Rev. B, received 06/11/2024.

The submitted information is considered to be sufficient for the initial requirements of Condition 7. However, be aware that the condition has the below ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be implemented in accordance with the approved phasing plan.

Condition 8 (Phase 1 SI) & Condition 9 (Phase 2 SI)

Pursuant to Conditions 8 & 9, you have submitted:

- Supplementary Geoenvironmental Appraisal, Report No. 4526/1, authored by Lithos, dated December 2024, received 22/01/2025.

The submitted information is considered to be sufficient to discharge Conditions 8 & 9 and is hereby approved.

By virtue of the findings of the phase 2 report, a formal remediation strategy for contamination, as required by the initial requirement of condition 10, is not considered necessary. However, from the document and approved plans it is evident that regrading is required.

The applicant must confirm that no imported material will be used as part of the development. If imported material is to be used, the developer must demonstrate how the material will be assessed as suitable for its intended use and not pose a risk to human health.

Notwithstanding the above, you are reminded of the secondary requirement of condition 10, which relates to 'unexpected contamination'. For convenience, this is repeated below:

In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Condition 12 (Highway Condition Survey)

Pursuant to Condition 12, you have submitted:

- Dilapidation Survey, draft issue, authored by Andrew Moseley Associates, dated March 2023, received 16/07/2024.

The submitted information is acceptable for the initial requirement of Condition 12 and is hereby approved. However, be aware that the condition has the below ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Condition 13 (CEMP)

Pursuant to Condition 13, you have submitted:

- Construction Environmental Management Plan, Revision F, authored by Newett Homes, dated October 2025, received 29/10/2025.
- Construction Management Plan, Drawing No. Z078-004, Rev F, received 29/10/2025.

The submitted details are deemed to be acceptable for the initial requirements of Condition 13 and are hereby approved. However, Condition 13 does have

the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Condition 14 (CEMP: Biodiversity)

Pursuant to Condition 14, you have submitted:

- Construction Environmental Management Plan: Biodiversity, Rev B, authored by FPCR environment & design, dated 11/12/2025, received 05/01/2026.

The submitted information is acceptable for the initial requirement of Condition 14 and are hereby approved. However, be aware that the condition has the below ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Condition 16 (Trial Trenching)

Pursuant to Condition 16, you have submitted:

- Archaeological Evaluation by Trial Trenching, Report No. 4053, dated October 2023, authored by WYAS Archaeological Services, received 21/10/2024.

The submitted information is considered to be sufficient to discharge Condition 16 and is hereby approved.

Condition 19 (Temporary Surface Water Management Plan)

Pursuant to Condition 19, you have submitted:

- Construction Surface Water Management Plan, Drawing No. 22/491/TSWMP/001, Rev A, received 01/10/2024.
- Surface Water Management Method Statement, authored by Alfa Site Services Ltd, dated 18/03/2024, received 01/10/2024.

The submitted information is acceptable for the initial requirement of Condition 19 and are hereby approved. However, be aware that the condition has the

below ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority