

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2024/92949 - Land off Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9D

Discharge of conditions 9 (retaining walls), 17 (Phase II Report), 18 (Remediation), 21 (Coal mining) 23 (charging facilities), 24 (facing materials) and 27 (construction management plan) of previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping

Responding Date:
4th February 2025

Responding Officer:
SR- Condition 27

Responding Ref:
WK/202502506

Comments

Condition 27 Construction Management

In support of the discharge of condition 27, a Construction Method Statement Lidl Birstall Rev 1 31.07.2024, 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

Noise, fugitive dust and construction related artificial light

The site is within a commercial area and close to the motorway, we are unable to locate residential receptors in close proximity to the site. The plan confirms that any activity that has the potential to contravene the Environmental Protection Act 1990 or the Control of Pollution Act (1974), will be reported to the Local Authority within 48 hours. The cause of a complaint will cease immediately to allow an investigation and any necessary mitigation to be implemented before resumption.

Records will be kept and the Principal Contractor and Site Manager have been appointed the responsible persons, which includes monitoring and recording. The plan confirms that site monitoring will be reviewed and the plan updated accordingly.

Fugitive dust

In addition to the controls listed within the plan we remind the applicant that the original permission 2021/92528, included an Air Quality Assessment by Wardell Armstrong (ref: GM11587) (dated: January 2021), which we reviewed and made the following comments in relation to construction related dust:-

A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction (2016).

The report concluded that there is the potential risk of fugitive dust emissions and dust soiling during the construction phase. In summary it goes on to say that site-specific mitigation will need to be implemented to control the impacts of such activities. Section 5.1.15 (page 16) of the report Recommendations for the Site-Specific Mitigation relates to best practice mitigation control measures.

For the construction phase of the development, we expect that the best practice mitigation measures as detailed in Section 5.1.15 (page 16) titled Recommendations for the Site Specific Mitigation are implemented.

We remind the applicant 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.

We accept the Construction Method Statement Lidl Birstall Rev 1 31.07.2024.

Recommendations

Condition 27 Construction Management

We recommend the elements of the Construction Method Statement Lidl Birstall Rev 1, dated 31.07.2024 within the remit of Env Health are discharged.