

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2025/90610 Penistone Road/Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Discharge of details reserved by conditions 22 (CEMP), 30 (internal estate roads) on previous permission 2020/92307 for outline application, including the consideration of access, for erection of residential development (up to 75 units)
Responding Date:
12th March 2025

Responding Officer:
SR

Responding Ref:
WK202506856

Comments

In support of the discharge of condition 22 a Construction Environmental Management Plan by Homes by Honey, dated the 13th Of January 2024 has been submitted. We previously commented on the submitted Air Quality Impact Assessment. An Air Quality Impact Assessment by Miller Goodall (Ref: 102408) (Dated: 23rd October 2020), accepting the dust mitigation measures and they were therefore not included within the CEMP condition.

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
- Stray light and glare from artificial lighting used on site

Generally, the plan informs the site will be developed in 4 phases estimated to take 3 years. The plan demonstrates working times are within Kirklees Councils recommended times. A complaints procedure exists, monitoring and recording of site inspections will be undertaken with records made available to the LPA as necessary. Staff will be instructed on necessary site controls and community engagement will be undertaken.

Noise

The plan recognises noise from site has the potential to cause nearby sensitive receptors nuisance. It informs Best Practicable Means and controls within BS5228 parts 1&2 will be adopted and goes on to list site controls.

Construction Related Artificial Lighting

Site lighting will be used within construction times the controls within the Institute of Lighting Professional guidance for reducing obtrusive light will be employed to reduce the risk of glare and stray light causing nuisance.

Whilst we accept the plan, 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 Section 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

Recommendations**Condition 22 Construction Environmental Management Plan (CEMP)**

We accept the Construction Environmental Management Plan by Homes by Honey, dated the 13th Of January 2024. However, condition 22 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.