

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:	2025/44/90610/W
Site Address:	Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS
Description:	Discharge of details reserved by conditions 22 (CEMP), 23 (CEMP: Biodiversity) and 30 (internal estate roads) of previous outline permission 2020/92307, including the consideration of access, for erection of residential development (up to 75 units)
Recommending Officer:	Katie Chew

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 17/09/2025

Officer Report

Application: 2025/90610

Application Site: Penistone Road/Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Proposal: Discharge of details reserved by conditions 22 (CEMP), 23 (CEMP: Biodiversity) and 30 (internal estate roads) of previous outline permission 2020/92307, including the consideration of access, for erection of residential development (up to 75 units).

Parish Council:

Kirkburton Parish Council – No comment.

Assessment:

Condition 22: CEMP

22. 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;*
- a) Hours of works;*
- b) Details of construction access arrangements;*
- c) Construction vehicle sizes and routes;*
- d) Numbers and times of construction vehicle movements;*
- e) Locations of HGV waiting areas and details of their management;*
- f) Parking for construction workers;*
- g) Loading and unloading of plant and materials;*
- h) Storage of plant and materials;*
- i) Signage;*
- j) Lighting during construction works;*
- k) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;*
- l) 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;*
- m) Street sweeping;*
- n) Site waste management, including details of recycling/disposing of waste resulting from construction works;*
- o) Mitigation of noise and vibration, giving due regard to both nearby commercial and residential properties, arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;*

- p) Artificial lighting used in connection with all construction-related activities and security of the construction site;*
- q) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;*
- r) Engagement with local residents, occupants and nearby businesses or their representatives; and*
- s) 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, highway safety, and the operational ability of adjacent businesses, to accord with Policies LP21, LP24, 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.*

The following documents have been submitted pursuant to condition 22:

- Construction Environmental Management Plan (Framework), authored by Homes by Honey, Rev P04, dated 06/08/2025, received 06/08/2025.
- Compound Plan, Drawing BD-300, received 21/05/2025.
- Construction Management Plan, Drawing 200 Rev C, received 07/07/2025.
- Photo Locations Plan, Drawing 102, Rev L, received 08/08/2025.
- Photographs of site signage locations, received 08/08/2025.

The documents have been reviewed by KC Environmental Health (comments received 12/03/2025), KC LLFA (comments received 02/09/2025) and KC Highways Development Management (comments received 23/05/2025 and 31/07/2025). Consultation responses are discussed in more detail below, where relevant.

Each requirement of condition 22 is assessed under the following headings:

Any phasing of development and timetable of all works

Within Section 3 of the submitted CEMP it is outlined that the proposed site is to be completed over a duration of three years. Figure 2.3 shows the direction of the build out and the road phasing, however these would all be constructed consecutively and the site would be delivered in one phase.

The above details are considered to be acceptable.

Hours of works

Paragraph 1.17 of the submitted CEMP states that the hours of construction work are anticipated to be as follows:

Mondays to Fridays: 07:30 – 18:00

Saturdays: 08:00 – 13:00

Sundays and Bank Holidays: N/A

Noting that, if work at other times is required, prior permission will be obtained from the Local Planning Authority.

KC Environmental Health are satisfied with the proposed hours.

The above details are considered to be acceptable.

Details of construction access arrangements

Paragraph 1.16 of the submitted CEMP states that all construction access to the site would be via the site entrance off Rowley Lane. All construction traffic is to be closely controlled and during delivery times, traffic marshals would be positioned at the construction access/egress to control entry and exit movements.

The above is considered to be acceptable.

Construction vehicle sizes and routes, and numbers and times of construction vehicle movements

Paragraph 1.11 of the submitted CEMP lists some of the vehicles that would be used to develop the site.

Paragraphs 1.13 to 1.15 of the submitted CEMP relate to construction site transport and pedestrian access, noting that the type and number of vehicles generated during the construction period would vary according to the different stages of construction programme, and the type and intensity of work being undertaken at the different stages.

Nevertheless, HGV movements are to be restricted as far as reasonably possible to avoid peak traffic flow periods (i.e. from 08:00-09:00 and 17:00-18:00). The contractor would also maintain an up-to-date log of all drivers that would include a written undertaking from them to adhere to use of the approved routes for construction traffic.

Furthermore, action is to be taken to reduce the number of HGV movements as far as reasonably practicable by:

- Deliveries being on a 'just in time' basis;
- Backloading vehicle operations, where site delivery vehicles are utilised to remove waste materials from the site as part of the same trip; and

- Practical re-use of any aggregates on site and recycling of material.

Paragraph 1.16 of the submitted CEMP states that all HGVs are to access the site via the designated entrance off Rowley Lane, approaching exclusively from Penistone Road. Upon exiting the site, HGVs would be prohibited from turning east (right) onto Rowley Lane from the development exit. This accords with the advice of KC Highways Development Management (KC HDM), who stated that HGV access should not be via Rowley Lane beyond the site access.

The above details are considered acceptable.

Locations of HGV waiting areas and details of their management

A HGV waiting area is shown on the Construction Management Plan, Drawing 200 Rev C, located to the south-east of the application site. This is proposed in this position as it is in close proximity to the material storage and compound area. This is utilised to avoid disruption on occasions where multiple HGVs arrive on site at one time. Vehicles waiting in the designated area will turn off their engine to avoid idling and report directly to the Site Manager for further instruction.

The above details are considered to be acceptable.

Parking for construction workers

Temporary and permanent parking areas are shown on the Construction Management Plan, 200 Rev C, located to the northeast of the application site.

The above details are considered to be acceptable.

Loading and unloading of plant and materials/storage of plant and materials

Loading/unloading areas and storage of materials and plant is provided for within the compound areas, of which there is to be a temporary compound to the northeast of the site, and a permanent compound to the southeast. A compound layout plan is shown within Appendix B of the CEMP.

The above details are considered to be acceptable.

Signage

Paragraph 1.73 of the CEMP states that safety signs would be clearly posted to make personnel on site aware of traffic hazards. Furthermore, every traffic route, where necessary for reasons of health or safety, would be clearly indicated by suitable signs which are to be regularly checked and properly maintained.

The applicant has also submitted separate photographs of the signage, and their locations are outlined on the submitted photo locations plan, drawing 102 Rev L.

The above details are considered to be acceptable.

Lighting during construction works

The submitted CEMP discusses how lighting on construction sites is essential to health and safety and therefore the development would be provided with suitable and sufficient lighting.

Hours of operation for this lighting are proposed as follows:

Mondays to Fridays: 07:30-18:00

Saturdays: 09:00-13:00

Sundays and Bank Holidays: N/A

Site lighting would comply with the Institute of Lighting Professionals' 'Guidance Notes for the Reduction of Obtrusive Light', to be installed at the minimum luminosity necessary to enable the safety and security of the construction site, and this would help to reduce the risk of glare and stray light causing nuisance.

Where appropriate, lighting is to be installed along site boundaries with an illumination which would be sufficient to provide a safe route for the passing public. Precautions would be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas.

With regard to temporary construction lighting, arrangements for the site are to be given due consideration by the Principal Contractor to residents and other sensitive receptors that may experience a nuisance of light.

The above details are considered to be acceptable.

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

Paragraph 1.68 of the submitted CEMP provide details regarding temporary drainage, noting that the Principal Contractor would be responsible and would take precautions during works to protect the entire drainage system and nearby watercourses and groundwater from siltation or pollution.

Paragraph 1.70 confirms that mitigation measures are to be implemented to protect the water environment and surface water quality during all construction activities, and are to include:

- All tanks would be adequately bunded to prevent spillages and drip trays would be used under stationary plant. Bunds or drum pallets would be covered, where possible, to prevent the accumulation of rainwater;
- During refuelling activities, spill kits will be on hand to address any minor incidents during these activities;

- To minimise the risk of ground contamination all plant operators would be required to clean up any small fuel or oil spillage immediately;
- No silty water is to be pumped directly into any watercourse but would be allowed to settle out (e.g. in settlement lagoons) or filtered (e.g. using straw bales to filter out coarse particles) prior to discharge, in accordance with permit conditions;
- Where settlement or filtering is not practicable or effective, alternative disposal options would be considered for example, discharge onto a grassed or vegetated area, and discharge to foul sewer.
- Existing and new surface water drains would be kept clear of silt or weed build up;
- Roads and hard surfaces would be kept clean, to prevent a build-up of mud and sediment that could contaminate surface water; and
- Implementation of a monitoring schedule to ensure that measures taken to protect watercourses, boreholes and wells are effective.

Furthermore, it is acknowledged at paragraph 1.171 that other effluents may be produced that need to be properly managed in order to prevent contamination of surface water. The contractor is to ensure that:

- The washing of vehicles and equipment is carried out at purpose-built wash stations where the water is contained for controlled disposal;
- Foul effluent would be contained; and
- The foul effluent container would be subject to daily inspection and a maintenance. The effluent would be removed by tanker and disposed of at a licensed facility.

KC LLFA note in their response that they have no objection to discharging this aspect of the CEMP however, a separate condition (16) requires further details regarding temporary drainage to be submitted and discharged, therefore their comments are said without prejudice to future comments provided regarding the discharge of condition 16.

Officers concur with the above assessment, and therefore the above details are considered to be acceptable.

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

The submitted CEMP outlines that roads and hard surfaces are to be kept clean, to prevent a build-up of mud. This would be done through wheel washing and implementing a road sweeper (discussed below). A full-time labourer is to be employed to use jet wash facilities at the site entrance/exit.

The above details are considered to be acceptable.

Street sweeping

Paragraph 1.59 of the submitted CEMP notes that at a minimum a road sweeper would visit the site twice a week, which would include full time sweeps during any muck away exercises.

Although every effort should be made to ensure that mud, grit and dirt should not reach the public highway in the first place (this should be achieved through effective wheel washing at the site exit), the above details regarding street sweeping are considered to be acceptable.

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

In terms of site waste management, paragraphs 1.60 to 1.63 outline how the minimisation and reduction of waste outputs during construction is a priority, and that the below core principles are to be maintained throughout the construction process:

- Regular toolbox briefing sessions;
- Adopting good-on-site working practices;
- Reducing waste on site by recycling and by the efficient use of materials;
- Ensuring waste storage facilities are provided to an adequate level;
- Ensuring adequate site security measures are in place; and
- Appropriate waste disposal routes.

Further to the above, 'just-in-time' ordering would be used to avoid over-ordering. To minimise the waste created on site, required lengths would be ordered rather than standard lengths which would need cutting on site. To avoid deliveries at inappropriate times and the excessive storage of materials on site, the Site Manager would see that the programme of works is updated regularly.

During delivery, care would be taken to avoid damage to any materials. All deliveries would be checked to ensure that they are to the correct specification and that there is the correct quantity. If this is found not to be the case the delivery would not be accepted. Deliveries would be directed to designated areas of the site to avoid creating waste and contaminants in sensitive areas and to avoid repetitive handling which would increase the risk of damage or spillage.

The above details are considered to be acceptable.

Mitigation of noise and vibration, giving due regard to both nearby commercial and residential properties, arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries

Paragraphs 1.64 and 1.65 of the submitted CEMP provide a list of mitigation measures which would be implemented on the site to control and minimise

noise impacts. Further measures (to be implemented where practicable) are also set out.

Details in respect of working hours have already been discussed above and therefore are not repeated here.

The above details are considered to be acceptable.

Security of the construction site

Paragraph 1.19 of the CEMP sets out that the site is to be securely fenced along its perimeter, and its condition checked regularly. In addition to this, only authorised personnel would be permitted on-site, with all visits required to enter through the main entrance gate and report to the Construction Manager / Site Manager. All visitors would be required to sign in and out to ensure that site management are aware of the number of people on-site in the event of an emergency.

Site lighting would also be installed at the minimum luminosity necessary to enable the safety and security of the construction site (paragraph 1.22).

The above details are considered to be acceptable.

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

Section 4 of the CEMP sets out the responsibilities and management structure of the site. Noting that the Construction (Design and Management) Regulations 2015 (CDM Regulations) came into force in April 2015, as per these requirements a Principal Designer and Principal Contractor would be appointed prior to the commencement of works on site.

Responsibility for all environmental issues relating to the development of the site rests with the developer and the Principal Designer and Principal Contractor appointed for the development; individual responsibilities would be divulged throughout the management team relating to the coordination of inspection, monitoring or reporting.

The Principal Contractor would have the central role in managing safety, health, environment and quality issues during construction activities. The Principal Contractor and all subcontractors would have to implement the environmental control measures set out within the CEMP.

Individual responsibilities are outlined in paragraphs 1.31 to 1.35 of the CEMP. Collective responsibilities are set out at paragraphs 1.36 and 1.37.

Paragraph 1.57 of the CEMP outlines that the construction site manager/resident liaison officer is James O'Connor, and a contact telephone number is provided.

The above details are considered to be acceptable.

Engagement with local residents, occupants and nearby businesses or their representatives

Paragraphs 1.44 to 1.45 of the CEMP relates to local community engagement. Reasonable steps are to be taken to engage with local residents during construction such as through newsletters, fliers etc. Occupiers of neighbouring properties are to be informed in advance of works taking place and site boards outlining information on the project and forthcoming works would be erected along the boundary and at the entrance to the site. Site contact details and numbers would be displayed as appropriate, along with the complaint's procedure.

The above details are considered to be acceptable.

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).

Paragraph 1.43 of the submitted CEMP states that engagement would take place with any other developers, should construction be carried out nearby. Engagement would support effective communication between parties and help reduce disruption to the surrounding area.

The above details are considered to be acceptable.

Summary

KC Environmental Health and KC HDM accept the Construction Environmental Management Plan (CEMP) by Homes by Honey. The submitted CEMP details the scope of the works and the measures to be taken to safeguard the amenity of neighbouring properties from noise, dust and artificial lighting. KC Environmental Health and KC HDM have assessed the submitted CEMP and note 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 pursuant to condition 22 be approved.

However, condition 22 has an ongoing requirement and shall remain in place for the whole of the period of the construction phase. Thus, it cannot be fully discharged until all construction work at the site is completed, and it is recommended that a note setting this out be included in the council's decision notice.

KC Environmental Health have requested that a note regarding their powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites be included in the council's decision notice. Officers consider this reasonable.

Condition 23: CEMP: Biodiversity

23. 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.
- a. Identification of “biodiversity protection zones”.
- b. 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).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- e. Responsible persons and lines of communication.
- f. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g. 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 23 the following document has been submitted:

- Construction Environmental Management Plan (Biodiversity), Document Number: XXX-BWB-ZZ-XX-RP-LE-0001_CEMP(B), Rev P02, authored by BWB Consulting, dated 02/10/2024, received 16/06/2025.

The document has been reviewed by KC Ecology (comments received 19/06/2025). Consultation responses are discussed in more detail below, where relevant.

Each requirement of condition 23 is assessed under the following headings.

Risk assessment of potentially damaging construction activities

Section 2 of the submitted document provides a detailed assessment of risks during the construction phase and the proposed control measures. These are outlined within Table 2.1 and are deemed to be acceptable.

Identification of “biodiversity protection zones”

Section 3 of the submitted document details biodiversity protection zones. These zones are to protect the boundary habitats including woodland, hedgerows and trees (includes boundary retained habitats/Kirklees Wildlife Habitat Network/Habitats of Principal Importance/Ancient Woodland and off-site trees to the south and east), during the site clearance works through the installation of Heras fencing or similar. The habitats to be retained and protected are shown in Figure 3.1 of the submitted document.

The above details are acceptable.

Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction

Section 4 of the submitted document provides details regarding what measures are to be taken to avoid or reduce impacts during construction. It notes that during the site induction, all site personnel would be made aware of the retained habitats, Kirklees Wildlife Habitat Network, Habitats of Principal Importance, Ancient Woodland, and Off-site Trees (immediately to the south and east).

The retained habitats identified within the Biodiversity Protection Zones, as shown in Figure 3.1 of the CEMP, would be fenced where reasonably practicable using Heras fencing or similar which would remain in place for the duration of the construction works at the site. No works shall take place within these zones, and they would not be entered at any time by personnel, plant or equipment. There would be no vegetation clearance within these zones, without the supervision of an ecologist and no storage of any materials.

Additionally, best practice guidelines are to be followed to ensure pollution prevention measures are adhered to. This would include the provision of dedicated plant and equipment refuelling areas on hard standings and a dust management plan provided by the contractor. An increase in dust during high wind events may impact the bordering habitats during the site clearance works. Dust suppression measures therefore would be implemented which would include damping down of any areas of loose substrate. In addition, dust would be monitored by the site manager as detailed within a separate Construction Method Statement for the site.

Bats

Any lighting utilised during the construction phase of the development should follow best practice guidelines outlined in Bats and Artificial Lighting in the UK (2023) to maintain suitable foraging and commuting routes along the Biodiversity Protection Zones. These zones should remain a dark corridor at all times and if any works are required within close proximity, then floodlights should be directed away from this area and no nightworks should take place within close proximity.

Any lighting within close proximity to the Biodiversity Protection Zone or within this zone should not measure any more than 0.5lux.

In the unlikely event that a bat roost is located within T1 during the climb and inspect survey, the tree must be adequately protected until the appropriate licence and mitigation is in place.

Nesting Birds

Those features of potential value to nesting birds (woodland and trees) within the site which are to be retained would be protected during the works phase by the Tree Protection Fencing which would be installed in accordance with BS5837:2012. If any works are required to vegetated habitats within the bird nesting season (March to August inclusive), during the construction phase of the development then they must be preceded by a nesting bird check undertaken by a Suitably Qualified Ecologist.

Badgers, Hedgehogs and other mammals

Specific good working practices for badgers and other mammals in line with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development include:

- All construction staff would be made aware of the potential presence of badgers and other mammals within the site during the pre-start toolbox talk which should be provided on-site as part of the site induction;
- All chemicals and machinery should be stored securely to prevent accidental harm to mammals;
- As a matter of good practice, any trenches dug as part of construction work should be covered over at night, or left with a ramp or sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm in diameter should be capped off at night; and
- Should a suspected badger sett be encountered at any point in the works (any holes measuring at least 30cm in diameter), all works within 30m of the suspected sett should cease and a Suitably Qualified Ecologist (SQE) contacted for further advice.

The above details are considered to be acceptable.

The location and timing of sensitive works to avoid harm to biodiversity features

This is discussed throughout the submitted document and the proposals are deemed to be acceptable.

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

Section 3 of the submitted document outlines the times prior to, and during construction when specialist ecologists would need to be present on site. These details are considered to be acceptable.

Responsible persons and lines of communication

Section 6 of the submitted document outlines that the principal contractor would nominate an environmental ambassador whose role would be to oversee the implementation of environmental protection measures including ecological measures outlined within the submitted document. Prior to commencement of works on site, the site manager is to contact BWB to obtain an Ecological Clerk of Works, who would attend site when required. The site manager and environmental ambassador are to obtain the direct contact details of an ECoW at BWB. The BWB ecologist should also have the direct contact details of the site manager and environmental ambassador.

The above details are considered acceptable.

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

Section 5 of the submitted CEMP provides details on the role and responsibilities of an Ecological Clerk of Works, noting that this would comprise a suitably qualified and experienced ecologist who would only be required to attend the site for the following activities:

- To undertake a climb and inspect bat survey to any works on T1;
- To complete pre-works update badger survey;
- A nesting bird check within 48 hours of scheduled vegetation removal, if any vegetation works are to be undertaken within the bird nesting season (from March to end of August);
- To search any brash piles or areas of dense vegetation prior to their removal for hedgehogs and small mammals;
- Be a nominated contact prior to any works required in the Biodiversity Protection Zone to advise on type of works and if any mitigation measures are required; and
- To be nominated contact for ad-hoc advice as required for any ecological query.

The above details are considered acceptable.

Use of protective fences, exclusion barriers and warning signs

The Biodiversity Protection Zones (BPZ) would be fenced where reasonably practicable, with an example of the fencing to be installed, shown within Figure 4.1, the BPZ's would also contain suitable warning signs to inform any site personnel of their purpose, and would state the following or similar:

'Biodiversity and Tree Protection Area – Do not enter in any circumstance'

The above details are considered to be acceptable.

Summary

KC Ecology Unit have assessed the submission and provided the following comments within their consultation response dated 19/06/2025:

The document is reasonable and acceptable and in line with condition requirements.

Officers concur with the above assessment and consider that the above information sufficiently shows how biodiversity at the site would be protected during the construction period. It is therefore recommended that an approval pursuant to condition 23 be issued. However, the condition has the ongoing requirement set out below, 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 30: Internal Estate Roads

30. Prior to development commencing, a scheme detailing the proposed internal estate road(s), to an adoptable standard, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.*

In support of condition 30 the following document has been submitted:

- Section 38 Agreement Plan, Drawing E23/8060/022A, received 06/03/2025.

The above condition has been reviewed by KC Highways Development Management who have noted in their comments received 23/05/2025 that, whilst it is acknowledged that the applicant has made separate progress to gain Section 38 technical approval, this has not yet been approved. As such, pending the successful conclusion of this process condition 30 cannot be discharged at this time.

Recommendation: Split Decision.

Report Dated: 03/09/2025

Recommended Decision Notice Text

Condition 22: CEMP

Pursuant to condition 22, you have submitted:

- Construction Environmental Management Plan (Framework), authored by Homes by Honey, Rev P04, dated 06/08/2025, received 06/08/2025.
- Compound Plan, Drawing BD-300, received 21/05/2025.
- Construction Management Plan, Drawing 200 Rev C, received 07/07/2025.
- Photo Locations Plan, Drawing 102, Rev L, received 08/08/2025.
- Photographs of site signage locations, received 08/08/2025.

The submitted details are deemed to be acceptable for the initial requirements of condition 22. However, condition 22 has 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.

Further to the above, please note the following comments from KC Environmental Health:

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.

In addition to the above, it is important to note that comments received from KC LLFA are said without prejudice to comments to be provided regarding the future discharge of condition 16 (temporary drainage).

Condition 23: CEMP: Biodiversity

Pursuant to Condition 23, you have submitted:

- Construction Environmental Management Plan (Biodiversity), Document Number: XXX-BWB-ZZ-XX-RP-LE-0001_CEMP(B), Rev P02, authored by BWB Consulting, dated 02/10/2024, received 16/06/2025.

The submitted details are deemed to be acceptable for the initial requirements of condition 23. However, condition 23 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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 30: Internal Estate Roads

Pursuant to condition 30, you have submitted:

- Section 38 Agreement Plan, Drawing E23/8060/022A, received 06/03/2025.

This condition requires Section 38 technical approval, which has not yet been issued. Condition 30 must therefore remain undischarged until further notice.