

**PUBLIC QUESTIONS TO CABINET MEMBERS AND COMMITTEE CHAIRS**  
**Council Meeting – 24 November 2022**

**Question:** 1.  
**From:** Mr R

**Response by:** Councillor Frost (Cabinet Spokesperson for Regeneration and Culture)

**Question:**

In the reply to a public question at the Council meeting held on 29 Sep from a Mr JR about granting planning consent to a developer, it said it only asked for a Construction Method Statement on major developments, and not a Construction Management Plan.

What is a Construction Method Statement and was one requested, and the date received, when planning consent was granted for the major development at 29 Paddock Road, Staincross?

**Response:**

Thank you, Mr R, for your question.

A Construction Method Statement details how works on a development will be undertaken during the construction phase. The content of a method statement will vary from scheme to scheme, and from site to site but the overall aim is to make the developer think proactively about how they will minimise environmental impacts to avoid the Council subsequently having to use other statutory powers, such as under the Environmental Protection Act. Generally, the statement will cover issues such as control of noise and dust, but it also seeks to address issues that might happen on the public highway, such as mud on the road.

The requirement for a Construction Method Statement is generally confined to major developments because those are more likely to create such issues. Small developments tend to be exempt due to a combination of the Government's desire to minimise red tape, particularly for SMEs, and the fact that similar forms of development can be undertaken without the need for planning permission. This does not preclude the Council subsequently using powers under the Environmental Protection Act if necessary though.

In relation to 29 Paddock Road, Staincross, we believe you are referring to the site at 28 Paddock Road, where you made representations to the Council ahead of planning permission being granted for three dwellings. Given that the proposal did not constitute a major development, no planning condition was imposed requiring such a document to be approved. However, in the interests of controlling the

impact of the development on those residents neighbouring the site, a planning condition was included restricting hours of construction works.

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**Question:** 2.  
**From:** Mr R

**Response by:** Councillor Frost (Cabinet Spokesperson for Regeneration and Culture)

**Question:**

In the recent court case about the death of the young boy Conley Thompson who was found dead on a building site in Worsbrough, the person representing the Health and Safety Executive made clear statements about the failure of the developer to have in place a secure and maintained boundary fence, and its failure to follow the regulations in the Construction (Design and Management) Regulations 2015, and the Health and Safety at Work Act 1974.

The developer was found guilty. Have any lessons been learned? Why in the planning consent procedure do you only sometimes ask for a Construction Method Statement, when the focus should now be on the CDM regs 2015 and HSW act 1974?

**Response:**

Thank you, Mr R, for your question.

The Health and Safety at Work Act places general duties on employers and the self-employed to conduct their undertakings in such a way as to ensure, so far as is reasonably practicable, that persons other than themselves or their employees are not exposed to risks to their health or safety. The responsibility for taking reasonable steps to keep a construction site secure and prevent unauthorised access to site sits with the 'Principal Contactor' under the CDM Regulations with this supporting the general Health and Safety at Work Act duty to maintain a safe workplace. The details of how this would be achieved would be set out in the 'construction phase plan' for the project which is produced by the Principal Contractor. There is a range of guidance available to contractors on the security and segregation of construction sites such as Health and Safety Executive guidance on 'protecting the public' which can be found online at <https://www.hse.gov.uk/construction/safetytopics/publicprotection.htm>

The Conley Thompson case was particularly tragic and by pleading guilty, the developer recognised that the failing lay at their door. Given this outcome, it is the responsibility of the company in question to learn the lessons.

The Council's role as Local Planning Authority primarily relates to environmental considerations such as exposure to noise and dust. As Highway Authority, the

Council also has an interest in ensuring the safety of users of the public highway. The Construction Method Statement is therefore aimed at addressing wider public amenity and highway safety considerations.