

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

2022/92471 Heckmondwike Hub Bus Station, Royle Fold, Heckmondwike, WF16 0HW

Redevelopment of Heckmondwike Bus Station including a new concourse building with waiting room, Changing Places WC, driver offices, 6 No. bus stands, landscaping, and associated works

Date Responded:
30th August 2022

Responding Officer:
RM, SR, MN

Responding Ref:
WK/202226269

Environmental Health have reviewed the application and supporting information and make the following comments and recommendations.

Air Quality

The application is for the redevelopment of the existing bus station to increase the number of bus stands from 4 to 6 thereby increasing the capacity from a maximum of 48 to 52 buses per hour. The application site is located approximately 0.6km from Kirklees Councils Air Quality Management Area (AQMA) 7 which is located at a crossroads between the A632 and the A62 and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide.

An Air Quality Assessment (ref: 001) (dated: July 2022) by WSP has been submitted in support of the application. The report details the impact that the development will have on existing air quality during the construction and operational phases using techniques detailed in LAQM. TG16, the Institute of Air Quality Management (IAQM) Technical Guidance, and the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Operational Phase

A quantitative assessment was undertaken using dispersion modelling to predict the changes in annual mean NO₂, PM₁₀ and PM_{2.5} concentrations that would occur due to the additional bus trips associated with the proposed development, and the impact that this would have on existing sensitive receptors. Traffic data provided by WSP Transport Consultants for the development was used in the model and appropriately adjusted to account for emissions of buses for the scheme. The report concludes that the concentrations of NO₂, PM₁₀ and PM_{2.5} for the development opening year (2023) are all predicted to be below the national air quality objectives at all sensitive receptor locations.

In accordance with WYLES a damage cost calculation was undertaken, based on the maximum trip generation. This is to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with current DEFRA guidance and provides a five-year exposure central present value of £204,195. The report goes on to say that the WYLES technical planning guidance promotes the use of public transport and infrastructure such as *“improved pedestrian links to public transport stops”* and *“provision of new bus stops infrastructure”* amongst its Type 2 Mitigation which are inherent to the proposed development.

Furthermore, the report also refers to a Full Business Case funding bid by the West Yorkshire Combined Authority for the Zero Emission Bus Regional Area (ZEBRA) programme to government. This is to enable the introduction of 111 zero-emission buses throughout the region. If successful, the ZEBRA funding bid will further enable the proposed development to

align with the aims of the WYLES and bring about sustainable change towards reducing emissions from bus movements in the West Yorkshire area and align with relevant Kirklees Council transport and climate strategies.

Therefore, given that the proposed development is itself a Type 3 Mitigation in accordance with the WYLES technical planning guidance *“the calculated damage costs would effectively be wholly offset by the investment required to support the implementation of the Proposed Development.”*

Construction phase

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 the potential impacts of fugitive dust on local air quality was low risk, and overall, the effects of dust and PM₁₀ generated by construction activities was negligible. In summary it goes on to say that with the use of good site practice and suitable mitigation control measures the effects of dust and PM₁₀ would be significantly reduced. Chapter 6 of the assessment (pages 29 -31) titled Mitigation and Residual Effects outlines the recommended mitigation measures.

Comment

Overall, we agree with the methodology and approach that has been used in the air quality assessment and concur with the conclusions. We recommend a condition to control fugitive emissions of dust during the construction phase of the development.

Electric Vehicle Charging Points (EVCPs)

The Air Quality Assessment (ref: 001) (dated: July 2022) by WSP refers to a Full Business Case funding bid by the West Yorkshire Combined Authority (WYCA) for the Zero Emission Bus Regional Area (ZEBRA) programme to government. This is to enable the introduction of 111 zero-emission buses throughout the region. Therefore, if successful and to futureproof the proposed development, we would expect electric charging points to be provided for the buses. It is our understanding that electric charging points are to be provided at the bus depot rather than at the proposed bus station as the buses would not be in the station long enough for them to be charged.

Noise

The applicant has submitted an Environmental Noise Assessment authored by WSP dated July 2022 Ref N01. It looks to determine the appropriate plant noise level limits for the fixed mechanical plant and the predicted noise levels at the closest existing noise sensitive receptors (NSRs) as a result of on-site bus movements associated with the Proposed Scheme.

A baseline noise survey was undertaken to quantify the prevailing daytime and night-time noise levels representative of the nearest NSRs, i.e. the dwellings on George Street, Cemetery Road and first floor dwellings on Westgate. The survey comprised attended measurements carried out between 0500hrs to 0740hrs on 19 October 2021 (the measurements were stopped at 0740hrs due to rain) and between 1400hrs and 1700hrs on 29 November 2021 from 2 measurement locations (ML) as follows -

- ML1 - Situated at the southern end of George Street overlooking the existing bus hub and vehicle repair shop. This position is representative of the prevailing noise levels at the dwellings on George Street and Cemetery Road.
- ML2 - Situated in Green Park approximately 4 metres from the edge of the A638. This position is representative of the prevailing noise levels at dwellings on Westgate.

A summary of the results is shown in table 4.2.

Table 5.1 lists the proposed fixed mechanical plant for the site and in table 5.2, predicts the noise levels at the nearest NSRs. No corrections are offered as may be necessary for the BS4142 assessment and at para 5.1.5, the report states that drawing on the information available, a correction to the predicted specific noise levels due to tonality and/or intermittent activities is not considered warranted at this stage. However, once the final plant has been selected it is recommended that this be reviewed and, where necessary, a correction applied, and this is accepted. However, based upon the calculated daytime and night-time levels as shown in table 5.3, which show a low impact for both daytime and night-time, this may not be necessary.

The report proceeds to look at the level of noise from bus movements associated with the proposed scheme stating it is understood there would be up to 52 bus movements per hour during the day and up to 49 bus movements per hour during the night-time as per timetable information provided in Table 2.1. It is noted that the majority of bus movements during the night-time period are between 0500hrs and 0700hrs, with the peak movements taking place between 0600hrs and 0700hrs. The results of the modelling for the daytime are shown in table 5.5 showing a -2dB sound level to the NSRs on George Street and 0db to the NSRs on Westgate and whilst the noise levels will exceed the internal requirements of BS8233, the existing noise levels are already exceeded and this is applicable to external amenity areas too.

Table 5.6 shows the night time L_{Amax} levels and states that based on an assumed performance for standard thermal double glazing, these levels are comparable to the typical values of L_{Amax} , already experienced at the receptors. The predicted levels should therefore show no discernible increase.

It is unclear if the buses referred to in the assessment are diesel, hybrid (diesel/electric) or any other technology and this may need to be clarified as diesel only will be a worst case scenario. However, it is likely that the climate crisis coupled with advances in technology will ensure buses rely less on diesel engines and more on electric batteries and therefore, it is reasonable to state that with the use of this technology, there should be a decrease in the acoustic environment along with an improvement in air quality.

The findings of the report are accepted but a condition is recommended to prevent a loss of amenity from the proposed fixed mechanical plant.

Contaminated Land

The development involves ground works and due to its current use as a bus station, along with its proximity to a former works (our site reference 167/5), there is the potential for ground contamination. Therefore, it will be necessary for conditions relating to contaminated land.

The proposed development is not located close to any historic landfill sites that may have an adverse impact on the proposed development.

Construction Environment Management Plan (CEMP)

An Outline Construction Environmental Management Plan (OCEMP) by WSP (ref: 70056810 CEMP) (dated: July2022), has been submitted in support of the application.

This document provides a framework to demonstrate how construction site noise, dust and lighting can be controlled so as not to impact the amenity of nearby sensitive receptors during the development.

It is anticipated that the development will begin in the first quarter of 2023 and is expected to continue for 12 months duration. The OCEMP document comprehensively details the methodology and general principals of a Construction Environment Management Plan (CEMP). However, many aspects critical to onsite controls have yet to be determined, examples include:

- Identifying the principal contractor and responsible persons.
- Site plans indicating positions of site facilities, materials storage/stockpiles, and protective screening.
- Site plans indicating position of any temporary artificial lighting to the construction site.

We consider the OCEMP provides a satisfactory framework. We accept that the principal contractor (when appointed), will add to and update the plan to provide more detailed site-specific information and the principal contractor will be required to be a member of the Considerate Constructors Scheme. However due to insufficient site-specific details at this time, we recommend a condition in relation to a Construction Environmental Management Plan to protect nearby sensitive receptors (both residents, commercial premises and people using Heckmondwike town centre facilities), from the effects of noise/vibration, dust from construction activities and stray light/glare from artificial lighting used on site, all of which are within the remit of Environmental Health.

Recommended Conditions

Dust1 Implement agreed Dust Mitigation Scheme – Condition

Before any demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Chapter 6 of the (pages 29 -31) of the Air Quality Assessment (ref: 001) (dated: July 2022) by WSP and retained for the duration of the demolition and construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

NC10 - Noise from Fixed Plant & Equipment - Condition

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and

objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

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 and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) 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 and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC5 Submission of Validation Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been 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 and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC 7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

CEMPC Construction Environmental Management Plan - Condition

Prior to the development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

CEMPF Construction Environmental Management Plan - Footnote

Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “*Guidance on the assessment of dust from demolition and construction*” Version 1.1 2014 provides detailed information regarding dust control.

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.