

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

2023/91812 - railway line and associated land between, Huddersfield and Westtown (Dewsbury), within the Order Limits of The Network Rail (Huddersfield to Westtown (Dewsbury), Improvements Order 2022

Discharge conditions 5, 6, 7, 10, 12, 16 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 4 of the Development

Date Responded:
24th July 2023

Responding Officer:
SR Condition 5b (ii, v, vi)
NH Conditions

Responding Ref:
WK/202320008

This response relates to Condition 5(ii, v, vi), 10(a) and 10 (b) only.

Condition 5b (ii, v, vi) – Code of Construction Practice

Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 4

We have reviewed the Document reference: 151667-TSA-00-TRU-REP-W-EN-001240

Network Rail, dated June 2023 in relation to the areas which are within the remit of Environmental Health contained within condition 5b(ii). The plan sets out the hierarchy of responsibility at the site and staff training, it goes on to inform that Best Practice Guidance will be followed listing the following reference guidance documents: -

- Environment Agency’s (EA) Pollution Prevention Guidance (PPG)1 including:
- General Guide to Prevention of Pollution (PPG1). This guidance outlines the activities which will be implemented to avoid pollution incidents and comply with the law.
- Works and maintenance in or near water (PPG5)2 This guidance outlines the activities necessary to protect the environment and meet legal requirements when you are working near, in or over water.
- Working at Construction and Demolition Sites (PPG 6). This guidance was developed in partnership with industry to provide guidance to those working at construction and demolition sites to prevent pollution.
- Control of water pollution from construction sites Construction Industry Research and Information Association (CIRIA) 5323

Site specific measures and confirmation of reporting incidents to the Environment Agency Hotline are clarified within the document. We accept the report provided.

Condition 5 (v)- Code of Construction Practice

To assist in the discharge of condition 5b(v) the applicant has submitted the following information: - Condition 5b(v): Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001242 by Network Rail, dated June 2023.

We have reviewed the submitted documents in relation to the following areas which are within the remit of Environmental Health contained within conditions 5b(v) and 5b(vi):

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

The submitted documents demonstrate how construction site dust and lighting are to be controlled so as not to impact the amenity of neighbouring properties during this phase of the development.

Fugitive Dust Control

Section 4&5 of the Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001242 by Network Rail, dated June 2023 explains the measures to monitor and control fugitive dust during the works. The controls include but are not limited to the following:

- The Site Environment Manager will carry out regular site inspections to monitor
- compliance with dust control procedures and is responsible for investigating and
- resolving complaints.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters
- and scrubbers to be fitted and used.
- Screens and site fencing to be used to mitigate fugitive dust.
- Stockpile heights to be kept to a minimum with double handling avoided and sited
- away from sensitive receptors. They will be covered or damped down to control dust
- release.
- Drop heights will be minimised, with the use of water sprays at source if required.
- Fine product deliveries will be by tank and stored in silos, designated screened areas
- will be used for mixing fine products.
- Skips and bins to be enclosed and vehicles removing loose materials from site will be
- covered.
- Maximum on site speed limits set.
- Engines to be switched off when not in use and low emission vehicles and plant to be
- used.
- A risk assessment has been undertaken to determine the areas where a wheel wash will
- be required. Hardstanding is available to all areas of stage 4; it has been determined that
- a wheel wash will not be required. Where tracking of mud onto road networks is
- identified, a wet road sweeper will be employed.

External Artificial Lighting During Construction

Section 7 of the Nuisance Management Plan explains that lighting will be designed, installed and directed to minimise stray light beyond the site boundary. Site fencing to compound areas will include solid boundary fencing which will assist in the control of light spill.

Condition 5b(vi), a noise and vibration management plan including a construction methodology assessment

To assist with the discharge of condition 5b(vi) the applicant has submitted the following document: -

- Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order Condition 5b(vi): Noise and Vibration Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001243, dated June 2023
- Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001242 by Network Rail, dated June 2023, Appendix B Contractor's Environmental Procedure Np27.4: Appendix C - Control of Site Nuisance, Environment guidance EG05

The Noise and Vibration Management Plan – Stage 4 Document provides a framework by which construction noise and vibration will be managed and an assessment methodology for the Section 61 (Control of Pollution Act 1974) application process.

Management controls include but are not limited to: -

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept and made available to the Local Authority on request.
- Good communication with local residents, letter drops, Network Rail 24-hour help line, community events where appropriate.
- Staff training in noise reduction and best practicable means
- If necessary pre commencement schedule of condition surveys for premises within 10m of vibration generating activities
- Recognition of the adoption of the BPM controls listed in BS5228-1 and BS5228-2

Section 5.7 of the Plan outlines the methodology for determining the need for an application for Consent under S61 (Control of Pollution Act 1974). An initial acoustic report will be commissioned by a qualified acoustician, this will determine the risk category: - Low, Medium or High using the Risk Assessment template contained in Appendix B. The document goes on to list the information and communication methods to the Local Authority for a Statement of intent or a Section 61 Application.

The document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance lists noise controls to be implemented which include but are not limited to: -

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- Staff training in noise reduction and best practicable means
- Pre-planning to ensure the quietest methods are employed
- Use silenced plant where possible
- Consider haulage routes for site deliveries and if possible, divert traffic away from residential areas. Pay particular attention to reversing sirens, deliveries and radios
- Where possible, plan noisy works for less sensitive times
- Prior liaison with the Local Authority will take place in advance of any out of hours work that has potential to affect amenity
- Plant and equipment to be switched off when not required
- Screens to be used as appropriate.

Section 4.2 of the document titled BAM Nuttall management system, Environment guidance EG05 lists vibration controls. Mitigation includes using non or low vibration methods where possible. The sensitivity of surrounding buildings will be assessed and monitoring implemented as required. The vibration source will be kept as far away as possible from sensitive receptors. Operating times to be kept a minimum. Pre and post surveys of sensitive structures to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place.

Condition 10 – Contaminated Land

To satisfy the relevant requirements of Condition 10 parts (a) in relation to Stage 4 of the development the applicant has provided a Phase 2 Land Contamination Risk Assessment Stage 4 document, authored by Network Rail, dated June 2023 (ref: 151667-TSA-00-TRU-REP-W-EN-001237). The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

We accept the report provided. Notably, the site has been classified as CS2 (Low Risk – gas mitigation required). The report advises that BS8485 has been considered during the design of the proposed lift shafts, motor rooms and subway and appropriate gas protective measures incorporated into the design. Nevertheless, we expect to see the proposals for CS2 measures to be presented in the forthcoming remediation strategy. We also note that a piling works will be required for Stage 4 works. Monitoring and a watching brief are proposed as detailed for Stage 3 works. We consider this to be satisfactory.

No remediation strategy appears to have been provided in support of 10b. Therefore, we cannot comment on Condition 10b until further notice.

Recommendations

Condition 5b (ii, v, vi) - Code of Construction Practice

- We accept the mitigation controls listed in the submitted documents listed: 5b(v): Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001242 by Network Rail, dated June 2023.
- 5b(vi): Noise and Vibration Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001243 Network Rail June 2023
- Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023, Appendix B Contractor’s Environmental Procedure Np27.4: Control of Site Nuisance, Environment guidance EG05
- 5b (ii): Pollution Prevention Plan 151667-TSA-00-TRU-REP-W-EN-001234 Network Rail, dated April 2023

However, condition 5b (ii, v, vi) 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.

Condition 10 – Contaminated Land

The Phase 2 Land Contamination Risk Assessment Stage 4 document, authored by Network Rail, dated June 2023 (ref: 151667-TSA-00-TRU-REP-W-EN-001237) satisfies the relevant requirements of Condition 10 parts (a) in relation to Stage 4 of the development.

No remediation strategy appears to have been provided in support of 10b. Therefore, we cannot comment on Condition 10b until further notice.