

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

2024/93326 - Bradley Nursery, Bradley Junction Industrial Estate, Leeds Road, Bradley, Huddersfield, HD2 1UR

Provision of a temporary compound as part of the Transpennine Route Upgrade Programme

Responding Date:
12th February 2025

Responding Officer:
SR, MN, NH

Responding Ref:
WK/202502038

Comments

The application concerns planning permission for a temporary compound to facilitate the construction works for the section of the Trans-Pennine Route Upgrade (TRU) between Huddersfield and Westtown (Dewsbury). We have reviewed the application and supporting information and offer the following comments.

Air Quality

An Air Quality Screening Assessment Document Ref: 151667-TSA-00-TRU-REP-W-EN-001659, by Network Rail, dated November 2024 has been submitted in support of the application. The report details the impact that the development will have on existing air quality, due to changes in traffic flows and how this will impact existing sensitive receptors during the construction and operational phases.

The site is not located within an Air Quality Management Area (AQMA) and is situated some 140m from the nearest declared site AQMA1 Bradley (the report accurately identifies AQMA1 is anticipated to be revoked due to acceptable results for some 5 years).

The report has used information from accepted documents:

- Kirklees Council air quality review and assessment reports
- Air quality background concentrations and Pollution Climate Mapping (PCM) model data from DEFRA's Air Information Resource (UK-AIR)
- AQMA mapping

Construction Phase

The Institute of Air Quality Management (IAQM) 'Guidance on Assessment of Dust from Demolition and Construction (IAQM Construction Dust Guidance)' has been used to assess the impact from all potential sources of dust related to the construction activities at site. This involved a risk assessment to identify all potential sources of dust during the construction phase, due to earthworks, construction and trackout.

Minimal demolition works are proposed on site. Buildings will be temporary and prefabricated; the report confirms site activities will be undertaken in accordance with well-established and routine mitigation measures to control dust and manage emissions as required by Network Rail's Environmental and Social Policy Statement - NR/L2/ENV/0156. The report concludes that the proposed development risk of dust impacts has been assessed as low.

Operational Phase

The proposed use of the site is temporary with traffic predictions averaged out (summarised in

paragraph 3.1.10.), shown to be below the IAQM/EPUK (Institute of Air Quality Management/Environmental Protection UK) threshold criteria. The assessment concludes that the effect of the temporary additional vehicle movements is not considered to be a concern.

We agree with the methodology and accept the conclusions of the report for both the construction and operational phases.

Noise

A Noise Impact Assessment Ref: 151667-TSA-00-TRU-REP-W-EN-001651 dated November 2024 has been submitted. The site is located off Leeds Road between Deighton Station and the Heaton Lodge Junction and it is proposed that the site would be in operation as a TRU compound until December 2027 comprising of 27 staff parking spaces, welfare units, bridge deck assembly area and general storage. It identifies the nearest noise sensitive receptor (NSR) to the site as 2 Station Road located approximately 10m to the southeast of the site. Additional noise sensitive receptors are located around the site as shown in Figure 2.

Para 3.1.1. outlines the baseline noise measurements which were undertaken as part of the agreed Environmental Statement – Volume 3, Appendix 8: Noise and Vibration of the ‘The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order’. Table 3 outlines each NSR, distance to the closest proposed site activity and the assumed baseline noise level taken from either noise measurements taken during the Environmental Statement or DEFRA noise maps.

For the construction of the compound, noise levels have been predicted at the nearest NSRs in accordance with BS5228-1 and the results are provided in Table 5. This is based upon the assumption that all plant is operating simultaneously i.e. a worst case scenario, and that mitigation measures such as screening are in place (where deemed feasible). The results show no exceedance during the day at all NSRs. For the operation of the compound, table 8 shows no exceedance for both daytime and night time operations.

It is noted that although no significant effects are predicted, high noise levels during sensitive periods may still have the potential to disturb nearby NSRs and a range of mitigation measures to reduce construction noise as far as reasonably practicable are recommended in Section 5. It is imperative that the Best Practicable Means principle is implemented for all construction works at all times.

The findings of the report are accepted.

Contaminated Land

Our records indicate that the site is located on potentially contaminated land (ref: 130/4). A Phase 1 Land Contamination Desk Study report, authored by Network Rail (November 2024, ref: 151667-TSA-00-TRU-REP-W-EN-001650) has been submitted in support of the application. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The report is based on various sources, mainly previous studies by JNP Group. Historically, the site has been linked to council nurseries and related infrastructure. Key historical land

uses within 250 metres of the site include a historic landfill (153m southeast), railway lines, industrial estates, a graveyard, and water treatment works. A coal seam outcrop is located at the southern corner, and a fault is believed to run through the northern part. Past underground mining of the Better Bed coal seam occurred at a depth of 9m below ground level (bgl).

A 2023 site investigation involved drilling sixteen boreholes, three trial pits, and eight trial trenches, with twelve monitoring wells installed. Chemical testing was conducted on twenty-four soil samples and seven leachate samples. The investigation revealed shallow workings, broken ground, voids, and poor returns. Soil testing showed no exceedances, and gas monitoring indicated the site falls under Characteristic Situation CS1, but elevated carbon dioxide levels led to a CS2 classification recommendation. Network Rail notes that, due to the temporary nature of portacabins, CS2 may not apply.

The report states that additional testing for the reuse of site-won arisings is recommended, to be addressed by a Materials Management Plan. Finally, the report also confirms that the portacabins will require a void between the floor and ground, which has been confirmed as feasible with the contractor.

Comments

We generally accept the report provided. However, we have comments in relation to ground gases. BS 8485 states that ventilation protection measures should only be used in conjunction with an overlying barrier, which should be formed by an appropriately detailed and constructed slab and/or membrane. While BS 8485 is intended for permanent structures, the core principles of the standard should still be applied to modular buildings, particularly where ground gas risks are present where pathways may exist. We note that the made ground (cohesive) could limit gas migration to some extent, but granular made ground was also identified and is likely to allow gas migration.

Given the potential risks associated with the CS2 classification, we request clarification on what additional measures are proposed for protecting the temporary buildings (occupiers) from ground gas. Specifically, what combination of protection elements, beyond just a void, to create an effective system? This was communicated to Network Rail on 31st January 2025. At the time of writing, we have yet to receive a reply. For these reasons, we recommend the following conditions.

Recommendations

CLC3 Submission of Remediation Strategy - Condition

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. 196 and 197 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. 196 and 197 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification 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. 196 and 197 of the National Planning Policy Framework

CLC7 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. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.