

Dealt with by: Environmental Health

Our Ref: DET/2021/0036

Your Ref: DET/2021/0036

Date: 16th Nov 2021

MEMORANDUM: PLANNING CONSULTATION
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PROPOSED DEVELOPMENT: Application for Prior Notification of Demolition for
4 Newcastle Road, Leek Staffordshire ST13 5QF

LOCATION: 4 Newcastle Road Leek

Potential Areas of Environmental Concern.

1. Land Contamination

Comments:

Environmental; Health would recommend refusal due to lack of information / appropriate risk assessment regarding the designated contaminated land / tar pit located close to the proposed demolition

Reason

The house is located on the area that formed part of the historic Leek gas works. Although this building never formed part of the operational part of gas works it is known that the land surrounding it is subject to some contamination and it is possible that contaminants have migrated near to the site over time (140+ years).

In addition, this site (former Leek gas works) has previously been investigated as a special site (by the EA / this council) and part of it, a tar pit which is located around 15-20m from proposed demolition (and within the associated yard), was determined as contaminated land (in accordance with the EPA, 1990) for the potential to pollute controlled groundwater see attached.

Although a fairly comprehensive and competent demolition plan is included with the application, it makes no reference to the presence of the tar pit (and possible contamination of surrounding area beneath hardstanding) and thus consideration of the possible risk both from a health and safety perspective (if this area is used by heavy demolition equipment) or the possibility of compromising the tar pit / creating other possible preferential pathways / exposing other possible pollution beneath the current hardstanding (– dependant on the level of removal of foundations / grubbing out that may occur).

As the site is on a source protection zone and adjacent to a declared contaminated land (tar pit), it is recommended that consultation is also sought from the Environment Agency.

Advisory Note/ Informative:

- Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
 - The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
 - Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
 - During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
 - The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
 - Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Regards,

Environmental Health