

Dealt with by: Environmental Health

Our Ref: SMD/2021/0418

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Date: 26/11/2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land South East Of A521 Uttoxeter Road
Draycott In The Moors**

PROPOSED DEVELOPMENT

**Full planning application for residential development c
200 dwellings (Use Class C3), access and internal road
for vehicles, footpaths and cycle linkages, parking,
public open space and landscaping, ecological habitat
community orchard, sustainable drainage measures,
and associated infrastructure and earthworks.**

Potential Areas Of Environmental Concern.

1. Noise – Road traffic
2. Possible Contamination
3. Air Quality
4. Construction Impacts

General Comments.

Construction Impacts:

Document – Construction and Environmental Management Plan for Phase 2 can be accepted and should be implemented and complied with in full throughout the development.

Noise:

A site specific noise assessment has been submitted. It was conducted in compliance with the guidance - ProPG; New residential development and BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice). The previous phase was marginal in compliance with the above guidance so it is important that the developer considers the advice in their own assessment. Section 8 sets out the minimum specifications required for glazing and vents but lacks specific detail. It will be the responsibility of the developer to ensure the minimum required sound levels are achieved and consultation with their acousticians is advised before selection of glazing and vent units is made. We would advise the developer is required to conduct sound tests to ensure road noise is suitably attenuated prior to first occupancy, the tests should show compliance with the PROPG; New Residential Development and A condition is advised.

Sound transfer between residential units (semi-detached and apartments) should be subject to Building regulation Approved Document E.

Contamination:

The following contamination risk assessment was submitted in support of the development. Geoenvironmental Assessment Phase 2 Blythe Bridge (Ref: 19068/1) by Georisk. The report is considered a suitably comprehensive investigation into the site. The report does not identify any significant historical sources of contamination and this is confirmed by an intrusive phase 2 investigation (16 samples). The report concludes that no further work is required on in this area and that the soil on site is suitable for reuse. This is accepted .

Air Quality

Summary

A revised (v3) Air Quality assessment was submitted in support of the application (SLR Ref No: 410.09095.00005), in response to queries raised previously.

In summary the report indicates that none of the proposed houses should be located in areas that breach current AQ guidelines or lead to breaches elsewhere. The report also notes that validation of the assumptions will be required by post development monitoring.

The report is accepted and condition for post development recommended

Additional Comments

The additional comments and response from consultants to this version of the AQ report are noted below, (the responses received from SLR are in italics):

I have reviewed the report now and its OK. I do have a few issues with it, in the sense that I don't perhaps agree it's quite as precautionary as stated, notably

- the model validation is not ideal it's on the edge of acceptable. Possible the choice of validation receptors (not something you can necessarily do anything about) was not ideal.

As per LAQM.TG(16), the model verification is within all recommended limits (i.e. 25%) and is therefore considered acceptable. The difference between adjusted modelled NO2 vs. monitored NO2 is within 25%. Furthermore, the calculated NO2 RMSE 8.1µg/m3 is within 25% of the AQAL. It is noted that the verification is described as being on the 'edge of acceptable', therefore the recommended tolerances are recognised. Based upon this wording it is assumed that the methodology is accepted and this is just an observation.

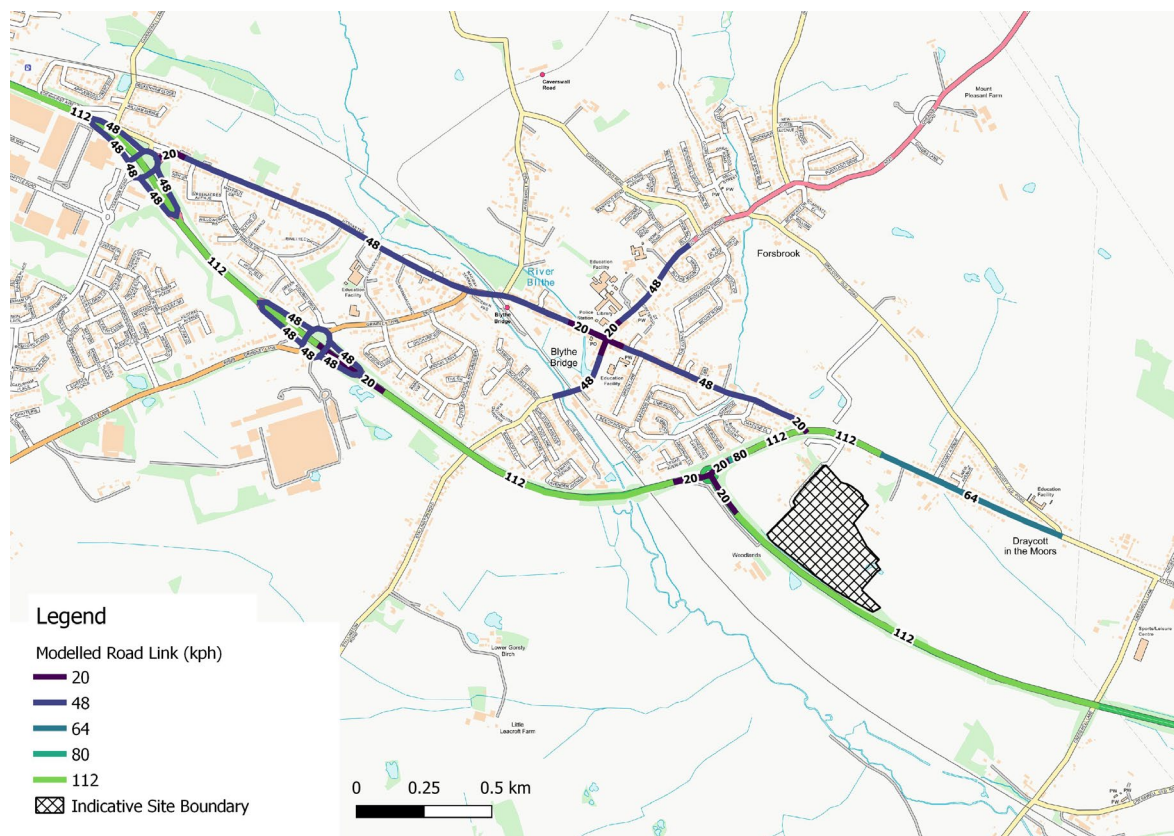
The preference was to utilise a greater set of validation points to improve the spatial certainty of modelled predictions rather than use a singular point – to ensure all local sensitivities are appropriately captured. See LAQM.TG(16) for further information on accepted tolerances for model verification purposes.

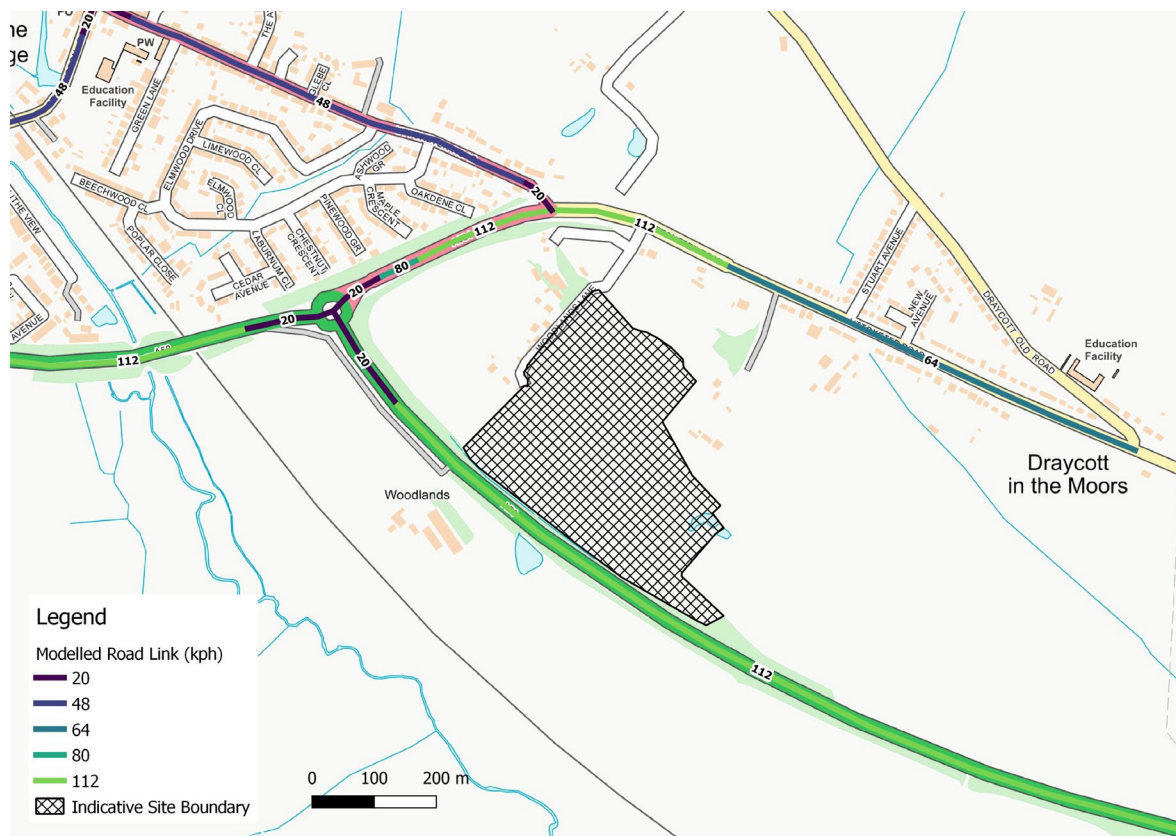
- *The adopted traffic speeds for the roads, says it accounts for queuing traffic but I couldn't really see how this isn't reflected in the speeds adopted (as far as I can make out) e.g it shows the A50 (south) as operating at 70mph**, which seems a little optimistic for a HGV top achieve as soon as he's pulled off the roundabout! Typically this is accounted for by splitting*

the roads up, which I'm assuming they may have done as it references the technical guidance (e.g from the guidance "it may prove useful to split roads up into much smaller sections, which will then allow a more accurate definition of changing vehicle speeds close to junctions.") but its not obvious. A colour coded map or something of the roads / the speeds modelled would be useful. It would be useful if I could get some clarification on this from your consultants.

Traffic data presented in Table A-2 relates to the free-flowing stretches of road, with posted speed limits provided i.e. unadjusted. A note under Table A-2 is provided which explains "traffic speeds have been adjusted to take into account queues and congestion in accordance with LAQM.TG(16)" for the avoidance of any doubt. Where necessary (i.e. to simulate changes in road traffic conditions), the modelled road network has been split to improve the representativity of modelled predictions relative to real life. The modelled speeds have not changed relative to the previous iteration of the report (Rev2).

Please find attached two images relating to the speeds modelled for the road network across the modelled domain and surrounding the site. In response to comments regarding the A50 south, a 20kph slow down section has been assumed for up to 200m from the roundabout. This assumes that traffic (both directions) travels at 20kph (12.5mph) for up to 200m from the roundabout all year round (even during non-peak times i.e. night time). This is considered conservative as traffic in both directions (particularly traffic accelerating from the roundabout) will be travelling at (or near to) the posted speed limit – above 20kph.





** The above noted regarding the speed, I would also state that I'm not as concerned with this above assumption for the phase 2 receptors as given the distance away from the roundabout this more realistic. Therefore and based on the fact that these are further away from the road than phase 1 (and we did also have an AQ assessment for the phase 1) I do agree with your consultants that the proposed layout is unlikely to breach AQ Objectives at the façade of the nearest residential property to the A50, so you do not need to do any further work in this regard. However, as with phase 1 will be requiring validation of the model (as noted by your consultants) so I will be recommending a condition in that regard.

Recommendation and Conditions

If consent is granted the following conditions are recommended:

Construction and demolition works: Environmental Method Statement

1. All works shall be carried out in accordance with the approved Demolition, Construction & Environmental Method Statement; (Doc. Ref: R9074-SMH-21-XX-MS-K-0001) submitted in support of this application
- . Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: *To protect the amenities of the area.*

Air Quality

2.
 - a) No development shall be commenced until proposals for a post development monitoring scheme, including the methodology and duration, for validating that the predicted Nitrogen Dioxide (NO₂) concentrations are below Air Quality (AQ) objectives, at the nearest sensitive receptor(s), identified in the approved Air Quality Assessment (SLR Ref No: 410.09095.00005) have been submitted to and approved in writing by the Local Planning Authority.
 - b) Once the development has been completed; Air Quality monitoring should be undertaken in accordance with the approved monitoring scheme (a).
 - c) If results of the post development monitoring scheme indicate:
 - i. No breach of local AQ Objectives for NO₂ at the nearest sensitive receptor, monitoring shall cease and no further work is required,
 - ii A potential breach of local AQ Objectives for NO₂ at the nearest sensitive receptor, a further air quality assessment shall be undertaken to identify control measures that could be adopted to address these breaches. The approved pollution control measures shall be implemented in full and further monitoring undertaken to validate the effectiveness of these control measures and if necessary further measures shall be proposed, approved and implemented until no breach of local AQ Objectives for NO₂ at the nearest sensitive receptor is predicted.

Reason:- To protect the local residents from air pollution and breaches in local air quality objectives for Nitrogen dioxide

Electric Vehicle Charge Points

3. No development shall be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. No property shall be occupied until any approved electric vehicle charging infrastructure associated with that dwelling has been installed.

Reason:- To protect the local residents from air pollution and breaches in local air quality objectives for Nitrogen dioxide

Unexpected Contamination

4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority..

Soil Importation

5. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 4-5):- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Noise: Plant & Machinery and Sound insulation

6. Sound Insulation -

Pre-completion sound tests shall be carried out to verify compliance with the criteria sound levels in British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), Professional Practice Guidance on Planning & Noise: Residential Development (IOA and ANC 2014). A report shall be produced containing all raw data and showing how calculations have been made and submitted for approval by the LPA. No dwelling within that phase hereby permitted shall be occupied until the sound test report has been approved by the LPA.

Reason: *To protect occupiers from noise and safeguard their residential amenities.*

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), Professional Practice Guidance on Planning & Noise: Residential Development (IOA and ANC 2014), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download

<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, 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