

Dealt with by: Environmental Health

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Date: 16th December 2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land East Of Froghall Road
Cheadle**

PROPOSED DEVELOPMENT

Outline for up to 228 dwellings with access considered (all other matters reserved)

Potential Areas of Environmental Concern.

1. Air Quality

Comments

Environmental Heath would recommend refusal of the application at this stage due to a lack of reliable information on AQ impacts of the development, from the associated increase in congestion as a result of the development.

Air Quality: Comments

An air quality assessment was undertaken in support of the application by SLR consultants (ref 410.10341.00003). Looking at construction dust and operational effects.

The assessment followed a standard format, which simply put is;

- Assessment of 2019 years (used to validate the model)
- Perdition of AQ in of 2023 without development (DM)
- Perdition of AQ in of 2023 with development (DS)

Evaluation of the impacts of the construction phase is limited to dust and does not discuss the impacts of the construction on the wider network (e.g impact of network disruption / temporary traffic lights)

Much of the assessment is OK however, the model, notably the impact of the development on traffic, has simply not been accurately accounted for, therefore the assessment cannot be accepted.

Briefly

The main source of pollution due to the scheme, is from traffic and the impact the scheme may have on traffic movements both at the site and around Cheadle.

The road traffic data was provided by Eddison's (Croft Transport Planning and Design) – however, it does not appear that the full transport assessment has been used to inform road traffic speeds.

“Traffic speeds were modelled at the relevant posted speed limit for each road. However, where appropriate, the speeds have been reduced to simulate queues at junctions, traffic lights and other locations where queues or slower traffic are known to be an issue in accordance with LAQM.TG(16). Traffic speeds have been assumed to be consistent across all the modelled scenarios”

There are a few issues with both of these assumptions;

- a) the transport assessment has not been accepted by the highways authority for numerous reasons therefore the use of the data is compromised e.g. <http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=286615>
- b) The actual (adjusted) speeds used in the model has not been disclosed in detail. This specific detail (not just a ref to LAQM.TG(16), is very much required.

The emissions (as derived via the Emissions Factors Toolkit) from vehicles, in particular heavy diesel vehicles (HGVs) increases significantly at lower speeds.

Given they had a transport assessment, that looks at congestion etc, (despite not being accepted), and this assessment notes a 25% increase queue length at Leek Road/High Street/Tape Street junction. How can the traffic speeds be assumed to be consistent between the DS and DM scenarios??

As capacity issues and congestion are one of the main concerns/ impacts of the development and this has not been accounted for in the model, the conclusions from the model cannot be accepted.

Additional Comments: Potential Areas of Environmental Concern.

2. Construction Impacts (Condition)
3. Contamination
4. Air Quality
5. Sound insulation (condition assessment)
6. Artificial Lighting (Condition)

Noise: A noise assessment has been provided with the application. It summarises that noise caused by road traffic can be addressed through suitable mitigation. Condition advised to ensure mitigation is installed into the properties adjacent to the main road”.

Contamination: A desk study was submitted in support of the application by Betts Geo Land to the East of Froghall Road, Cheadle, Stoke-On-Trent (Ref 21EMP016/DS).

The desktop is considered an acceptable assessment of the potential contamination risks associated with the site. The primary risk associated with the site is historic coal mining, with the report noting that there is a High risk of recorded and unrecorded shallow workings across site with bell pits, shallow shafts, day holes and adit's all possible.

The report concludes with essentially recommendations for further intrusive work to assess the risks. These are provisionally agreed but will require further from the Coal Authority)

Site Construction Nuisance:

The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonable disruption to the neighbour's enjoyment of their properties. All construction activities should pay due care to the advice set out in BS 5228:1 and 2 in order that noise and vibration impacts are minimised during site preparation and construction phases.

Provisional Recommended Conditions

Should EH objection be resolved (aside from any additional AQ conditions) the Environmental Health Department have no objection to the development subject to the following conditions being applied to any permission granted.

1. Construction and Environmental Management Plan:

No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from construction activities on the site.
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;

- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,
- XIV. details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
- XV. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. 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.*

amenity of local residents and that of the surrounding area from noise disturbance.

2. Contamination

No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- a. A site investigation, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.
- b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria
- c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- d. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Contamination Validation

Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

4. Importation of topsoil

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 validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 2-4):- *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.*

5. Lighting Condition

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: *To protect the local amenities of the local residents by reason of excess of illuminance.*

6. Sound insulation

The mitigation set out in section 4.3.8 should be installed in all properties adjacent to Froghall Road.

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.

- All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.
- 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 BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice), and 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 should 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