

Dealt with by: Environmental Health

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Date: 13th January 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Croda Chemicals Europe Ltd Barnfield Road
Leek**

PROPOSED DEVELOPMENT

**Full Planning Permission for a new four-story building,
forming part of the site's Phase-3 works.**

Potential Areas of Environmental Concern

1. Construction Impacts
2. Noise from plant and machinery (Condition)
3. Odour
4. Lighting (condition)
5. Land Contamination (Condition)

Comments

Environmental Permit

Emissions (Air, water , land) from the facility are /will be subject to control via an Environmental Permit which controls the environmental impact of the installation and is regulated by the Environment Agency.

Noise

This is a new processing facility. The application does not specify what new plant and equipment will be installed under this development but there is an air intake system situated on the roof which can cause significant noise if not properly attenuated. Site will continue to be required to meet existing EP Permit noise limits for the site, including noise limit for new plant and equipment and boundary noise limits. The nearest noise sensitive receptor is in excess of 130 metres from the development site.

There is no record of noise complaint against the company. The application statement advises the operations caused by this development will be 'relatively noise free'. We would advise the applicant ensures that all plant and machinery is so installed so as not to increase background noise levels at the nearest noise sensitive properties. Condition is advised.

Odour

There is no record of odour complaint against the company.

Land contamination

The applicant has submitted 4 contaminated land studies. Essentially;

- Geo-Environmental Appraisal Report10/1578/002 by Clancy consulting ltd
- Site Investigation by Kiwa, essentially looking at waste acceptance criteria and
- Two reports focused on groundwater monitoring by AECOM (with a summary of human health concerns in the AECOM Technical memo)

The latter were commissioned / requested by the EA, as the groundwater/ soil, in southern part of the site is known to have been preciously contaminated with elevated toluene (since the early 2000's), and subject to previous remediation (pump and treat).

EA are the primary regulator for controlled waters and it is understood have accepted the controlled water risk assessment presented in these latter two reports.

The Primary report for Human health is the Geo-Environmental Appraisal Report10/1578/002 by Clancy consulting. T

his is considered a comprehensive report of the site conditions and previous investigations that have taken place at the site, including the identification that part of the site had been used as a landfill.

The report concludes that although elevated contaminates do exist across the site these are below the adopted critical concentrations for the proposed industrial use. This is agreed.

However, some remediation requirements are identified:

Amosite and chrysotile asbestos fibres were recorded in samples collected from the Made Ground beneath the site. Although concentrations of asbestos in soils were low, an asbestos management plan should be put in place for the proposed construction works.

In addition, the ground gas risk assessment indicated that the site should be characterised CIRIA Characteristic Situation 2(CS2) and will require the provision of gas protection measures appropriate to this characterisation within all new structures at the site.

Given the nature of the organic contaminates it is recommended that barrier water pipes are likely to be required may be required, (or utilities laid in dedicated trenches, backfilled with clean, inert material).

An appropriate condition is therefore recommended requiring that a remediation statement (covering the above concerns + waste movements) is produced detailing the proposed remediation criteria (and verification proposals).

Recommendation

Environmental Health have no objections in principle subject to the following conditions be placed on any permission granted -

1. Construction and demolition works: Environmental Method Statement

No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement 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 arrangements for prior notification to the occupiers of potentially affected properties;
- iii. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- iv. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- v. a scheme for recycling/disposal of waste resulting from the construction works;
- vi. the parking of vehicles of site operatives and visitors;
- vii. the loading and unloading of plant and materials;
- viii. the storage of plant and materials used in constructing the development;
- ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

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.*

2. 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.

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

3. Contamination: Remediation Strategy

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. The summary of the relevant findings of the previous site investigation(s) and associated detailed risk assessment and, based on these, a remediation strategy giving full details of remediation objectives and remediation criteria
- b. 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.

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.

4. 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.

Reason (common to 3-4): 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. Plant and Machinery Noise

The machinery, plant or equipment including installed or operated in connection with the

carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

Reason:- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.*

Informative/Other Matters

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

- Guidance for control of dust and emissions for construction can be found: in
 - 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)
- 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/statn uisance.pdf>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
- 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.

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