

Dealt with by: Environmental Health

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Date: 24th March 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land at Ash Bank Road
Werrington**

PROPOSED DEVELOPMENT

**Development of 75 new dwellings, new access, provision
of green infrastructure and all associated works**

Potential Areas of Environmental Concern.

1. Noise from HMYOI

Additional

2. Construction Impacts (Condition)
3. Contamination (condition)
4. Air Quality (Condition)
5. Sound insulation (Road traffic and HM Young Offenders Institute)
6. Artificial Lighting (Condition)

Recommendation:

Environmental Heath recommended refusal of the application at this stage due to concerns about proximity of the proposed residential housing to a young offenders prison. Further noise monitoring and assessment has been undertaken by the applicant's acousticians to determine the impact of noise from the prison on the development site. This has involved longer term monitoring and investigated loud noise incidents. Noise from the prison was not determined to be a concern during that monitoring. This compliments the previous noise assessment submitted with this application. Our grounds for recommended refusal are diminished by these submissions and although we would prefer this buffer zone between residential dwellings and the prison is maintained the grounds for refusal on noise grounds are removed but we would recommend that a site specific sound insulation scheme is developed for the residential development with a requirement to complete pre-completion testing.

Previous Comments which remain applicable

Road Noise: A noise assessment has been provided with the application (Air & Acoustics Consultants Noise Assessment Proj. No. 100391 October 2021), an earlier assessment was

submitted during the pre-app stage. It summarises that noise caused by road traffic can be addressed through suitable mitigation. The mitigation including ventilation required to address road traffic noise (set out in section 7 of the noise assessment) should be clarified in a site specific sound insulation scheme. If granted permission a condition should be imposed to require this scheme is submitted prior to commencement of development and there should also be a requirement to complete pre-completion sound testing to ensure compliance with the relevant standards.

Air Quality; An Air Quality Assessment was submitted in support of the application by Air & Acoustic Consultants

The report is considered both the construction (dust) and operational effects (increase in vehicle emissions on the surrounding network).

The construction assessment identifies a high – medium risk of dust for construction being a significant concern but notes that with appropriate mitigation applied this should be insignificant (section 7 & Appendix A)

This is agreed. The applicant should ensure that the mitigation measures detailed in the report are applied to the environmental construction management plan – condition recommended.

The operational assessment uses ASMS-Roads to predict the change in emissions from the associated increase in vehicles on the road as a result of the development. The assessment used local data to verify the model used. The setup of this model is agreed, and the associated The RMSE of 8.3% (after correction) deemed acceptable.

The assessment concluded that the development should not have a significant AQ impact on any of the chosen receptors.

This is agreed . However, the report also notes (correctly) that the scheme should be looking to mitigate any potential increase that would aid in reducing any future level of impacts associated with the operation of the site, and recommends the following(section 7 & Appendix A);

- Contributions to low emission vehicle refuelling infrastructure (Installation of vehicle charging points)
- Support for and promotion of car clubs;
- Provision of incentives for the uptake of low emission vehicles;
- Financial support to low emission public transport options; and
- Improvements to cycling and walking infrastructure

This is also agreed. To ensure that these recommendations are adopted, they are included as a condition.

It is strongly recommended that the provision of vehicle charging infrastructure should comply with the building control “Approved Document S” which comes into force on 15th June 2022

Link:

<https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

Contamination:

Previous Comments:

A Contamination "Assessment Summary Statement" was produced by the applicant. The first line of the statement states

"Following the two phases of site investigation undertaken for the site located at Ash Bank Road, Werrington (2019 by Wood and 2021 by TBGE), Travis Baker have had the opportunity to review the chemical test data and have provided Countryside Properties with a summary and proposed mitigation"

None of the original documents are included in the assessment.

This cut and paste summary document is not accepted, and has not been reviewed.

All original studies (include original lab data) relating to the contaminated risk assessment should be submitted in full so that the reports can be reviewed and the conclusions of the consultants (and applicant?) can be verified.

Updated Comments (March 2022):

The applicant has submitted the phase 1 (desk top) and phase 2 (intrusive) investigations conducted in 2019 by the Wood group.

The reports are considered to be a good assessment of the site. The only omission of note would have been a the inclusion of the central mound** (delineation) on Figure 2.

Essentially the reports identify some wide spread (relatively low level) contamination across the site but with the majority of issues relating constructed mound or bund present in the central parcel the site**, where exceedances of petroleum hydrocarbons, phenols and some asbestos were identified.

Tentative remediation approaches are discussed within the report but a full remediation strategy is not presented at this stage.

As noted previously the application is supported by a third report / statement; *"Following the two phases of site investigation undertaken for the site located at Ash Bank Road, Werrington (2019 by Wood and 2021 by TBGE). Travis Baker have had the opportunity to review the chemical test data and have provided Countryside Properties with a summary and proposed mitigation"*

Whilst the full Wood reports have been submitted the original TBGE (2021) has not been submitted. The TBGE appears to have been reproduced by countryside properties in their contamination statement. As noted this approach is not accepted, all original reports must be submitted for review, in addition the cutting and pasting also impacts on the quality of the reports making figures difficult to read.

The above noted, the intention of the supplementary report (TPGE, 2021) appear to be to delineate the mound in the centre of the site. This is welcomed, although it is not clear if petroleum hydrocarbons were investigated despite the wood groups phase 2 report noting exceedances in this regard. The report also notes that further delineation is required in the southern area. This is agreed.

A condition is therefore recommended requesting further site investigation (which in part*

could be satisfied by the submission of the original TBGE report (+ additional work) and the development of a remediation strategy.

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.

Recommendation and conditions –

Environmental Health have no objection subject to condition.

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. The scheme should be based on the mitigation measures outlined in Section 7 and Appendix A of the Air Quality Assessment was submitted in support of the application by Air & Acoustic Consultants
- 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 further 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. Soil Importation

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. Air Quality Mitigation Scheme

Development shall not commence, excluding demolition, until a Low Emissions Strategy for mitigating the future air-quality impacts of the development is submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the development unless otherwise agreed in writing by the local planning authority. The scheme shall include:

- a. mechanisms for discouraging high emission vehicle use and encouraging a modal shift to public transport, walking, cycling as well as to encourage the uptake of low emission fuels and technologies, including electric vehicles.
- b. scheme for provision of active electric vehicle charging points and associated electrical infrastructure for future expansion. An active electric vehicle charging point shall be provided adjacent to each allocated parking space or in the garage provided
- c. Details of gas-fired boilers or alternative heat sources , which should be designed to meet an output of minimum standard of 40mgNOx/ kWh

All works which form part of the approved scheme shall be completed before occupation of the development unless otherwise agreed in writing by the local planning authority.

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

6. 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

Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.

The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB LAeq in bedrooms (daytime), less than 40 dB LAeq in living areas (daytime) and 50dB LAeq in outside living areas.

Pre- completion tests shall be carried out to verify compliance with this scheme and a report shall be produced containing the results, including all raw data and showing how calculations have been made and shall be submitted to and approved in writing by the Local Planning Authority.

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 curtilage 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