

Dealt with by: Environmental Health

Our Ref: SMD/2022/0088

Direct Dial: Email: n/a

Your Ref:

Date: 25th May 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**FIE Bones Lane
Cheddleton**

PROPOSED DEVELOPMENT

Food processing facility/edible bone factory

Potential Areas Of Environmental Concern.

1. Construction Impacts (Condition)
2. Unexpected Contamination (Condition)
3. Artificial Lighting (Condition)
4. Plant and Machinery Noise (Condition)
5. Odour

General Comments

Construction Impacts: Condition.

Contamination: A Phase 1 Preliminary risk assessment (Earth & Marine Environmental Consultants Ltd) & a (intrusive) Phase 2 Generic Quantitative Risk Assessment (Tetra Tech Consulting) risk assessment.

The report (s) are considered generally good assessment of potential contamination risks – though the Tetra Tec report should have included the original lab data as received in full (and not reproduced*).

The reports conclude that there is minimal contamination and conclude that no risk exists, (despite the above*) this is accepted as the site is going to a low sensitive industry end use.

Unexpected contamination condition advised.

Air Quality & Odour

The following “FIE Cheddleton Air Quality and Odour Assessment Report (Ref E3086)” was submitted by entrant on behalf of the applicant.

The assessment considered operational and construction air quality emissions and an odour assessment,

The AQ assessment (operational/traffic) screened out wider impacts due to low (in AQ terms) increase in HGV vehicles, which was noted to be noted to be 18 per day. Providing the transport assessment is accepted by SCC, this is accepted.

However, it is noted that nothing has been specifically included to seek an improvement in Air Quality, although a staff travel plan has been included. This is something that needs to be address by all our local operators. Therefore a a condition requiring an Air Quality mitigation scheme is recommended (it is noted that some of this information has been submitted by the applicant in the travel plan – this can be reference d. reproduced)

Construction -dust - The construction assessment was fairly standard, and it is accepted that these impacts can be mitigated should the recommendations within the report be adhered to. A condition is thus recommended.

Odour - However, it is difficult to accurately assess the impacts of odour from the submitted report, due to the lack of specific information (we cannot validate inputs) about the plant processes and the difficulty in assessing fugitive emissions from the site.

In essence the report indicates that the proposal will increase the odour potential of the site as a whole, but that this may not be noticeable/ detectable to sensitive receptors (residents) due to the already high levels of odour associated with the site.

However it is noted that odour, noise, and emissions management should all be managed as part of a their Environmental Permit. These impacts and details used in the model will be e technically assessed by the Environment Agency, as part of our Environmental Permit application therefore we would defer to the EAs expertise on this area.

Noise: This is an Environment Agency (EA) permitted site so noise emissions from the plant will be normally regulated under a permit. The noise assessment indicates there will be negligible noise impact caused by the development, predicted noise rating levels range from 34.7dBA to 22.6dBA. The measured background level for all receptors is 47dB La90 which does appear excessively high for night time in this mainly residential/rural area but the predicted rating level for noise from the development is not significant and should not impact on the nearest noise sensitive receptors (NSRs). The operator should ensure that consultation is made with the regulator, the EA, prior to development commencing. As advised in the assessment the machinery and plant installed as part of this permission should be suitably installed and attenuated. A noise assessment showing compliance with the condition advised should be completed and submitted for approval by the LPA. (Condition proposed)

Lighting: Condition advised.

Recommendation

The Environmental Health Department have no objections subject to the following conditions being applied to any permission granted.

If consent is granted the following conditions are recommended:

1. Construction & Demolition Works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

2. Construction & Demolition: Pollution Control

- I. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority
- II. All construction mitigation measures, listed as highly recommended in Appendix E of FIE Cheddleton Air Quality and Odour Assessment Report (Ref E3086)" shall be adopted duration of the construction
- III. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- IV. 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. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;

Reason: *To protect the amenities of the area during construction*

3. Report of Unexpected Contamination

In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), 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.

Reason *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.

4. Artificial Lighting

Details of floodlighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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 (residential) when the light (s) is (are) in operation.

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

5. Plant and Machinery Noise

(i) Prior to first use a site specific noise assessment should be completed in compliance with section (ii) below and submitted in writing to the LPA for approval.

(ii) 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.

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

6. Air Quality Mitigation Scheme

Within 6 months of permission being granted for the proposal, an air quality mitigation scheme (AQMS) shall be submitted to the Local Planning Authority (LPA) for approval. Once approved the scheme shall be implemented and progressively maintained for the lifetime of the development. The scheme shall include:

- a. A strategy for ultra-low emission/ electric vehicles for delivers of units feedstock Where diesel fuelled Heavy Duty Vehicles utilising the site shall, as a minimum, these be European Emission Standard Euro 6 compliant
- b. 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.
- c. Provision of secure cycle storage and changing provisions.
- d. Designation of parking vehicles for low emission/ electric vehicles.
- e. Commitment to Fleet eco driver training & Fleet fuel efficiency monitoring and driver telematics.
- f. a scheme for the provision, installation and maintenance of electric vehicle (EV) charging points for staff and visitors.

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

Air Quality Mitigation Scheme

Within 3 months of permission being granted for the proposal, an air quality mitigation scheme (AQMS) shall be submitted to the Local Planning Authority (LPA) for approval. Once approved the scheme shall be implemented and progressively maintained for the lifetime of the development. The scheme shall include:

- g. 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.
- h. Provision of secure cycle storage and changing provisions.
- i. Designation of parking vehicles for low emission/ electric vehicles.
- j. Commitment to Fleet eco driver training & Fleet fuel efficiency monitoring and driver telematics.
- k. A strategy for ultra-low emission/ electric vehicles for service vehicles. Where diesel fuelled Heavy Duty Vehicles utilising the site shall, as a minimum, these be European Emission Standard Euro 6 compliant
- l. a scheme for the provision, installation and maintenance of electric vehicle (EV) charging points for staff and visitors. The scheme should include;
 - i. 5% of staff and visitor parking shall be made available to EV charging.
 - ii. Electric vehicle charging points required by this condition shall be installed and operational within 1 year of LPA written approval of the scheme or where points are to be 'EV Ready' shall be installed and operational at a date agreed in writing by the LPA.
 - iii. The points shall be maintained for the lifetime of the development which includes undertaking repairs, replaced of charge points for equivalent (charge rate) points or upgraded to meet the latest standards or charge rates.

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

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 the Professional Guidance on Planning and Noise (ProPG), 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

- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- 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 and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
 - 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