

Dealt with by: Environmental Health

Our Ref: SMD/2022/0313

Direct Dial:

Your Ref: SMD/2022/0313

Email:

Date: 14th September 2022

MEMORANDUM: PLANNING CONSULTATION

LOCATION

**Newfold Farm Sytch Road
Brown Edge**

PROPOSED DEVELOPMENT

Demolition of existing yard sheds and erection of one single storey dwelling.

Potential Areas of Environmental Concern.

1. Construction Impacts
1. Coal Mining Risk Assessment/ Contamination
2. Unexpected Contamination
3. Lighting (Condition)
4. Asbestos (Advisory)
5. Drainage (building regulations)

***The application is similar to the previous (Previous application ref. smd/2020/0095)
Previous comments are shown below but include updates on the newly submitted material***

- ***Coal Mining Risk Assessment:*** the area is in an area that may be affected by coal mining. The Coal Authority has recommended that an appropriate condition is included.

Update: It is noted that a CMR (Ref: **C2802/22/E/4277**) has been submitted by the applicant and in recommended that an intrusive investigation take place

- ***Contamination:*** Further to the above. The site has been used as working farm/building yard and may be subject to some historic contamination from this use (asbestos, farm chemicals. In addition, aside from possible surface coal measures, the Developer should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. Therefore should the coal authority objection be removed, a contamination risk assessment is recommended prior to development.

Update: The applicant has submitted a preliminary Environmental Report by GIP Ref: 2021 KCD/30235 in support of this resubmission. The report is considered a preliminary** investigation requiring further work. This is also, in part, noted by the consultants "*It is recommended that once the tanks have been removed and access is fully available, a series of machine excavated trial pits are carried out to investigate whether any petroleum hydrocarbons*"

However, the report fails to really recognise, include in the CSM or even discuss issues relating

to the risk posed by the possible previous coal working at the site (notably mine gas), despite the following being available – taken from the Ref: **C2802/22/E/4277**

3.3 Risks Posed by Mine Gas

This assessment has identified that there is potential for shallow mine workings to be present beneath the proposed development. Whilst the Consultants Coal Mining Report has not reported any incidents of mine gas within the vicinity of the development, shallow mining activity represents a credible source of ground gas. As such, a moderate risk rating has been assigned, and further assessment may be required. Should evidence of workings be proven via further intrusive works, it is strongly recommended that a detailed gas risk assessment is undertaken in accordance with relevant guidance.

Further work is therefore required – condition recommended

- **Asbestos:** A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of any 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/>
- **Lighting:** Condition

Recommendation and Conditions

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

Construction & Demolition works: Time of operations

1. 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.

Construction & Demolition: Control

2.

- I. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- II. 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;
- III. 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

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

3 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.

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.

5. 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 3-5):- *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.*

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*

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) 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 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>
- 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