

Dealt with by: Environmental Health

Our Ref: [SMD/2022/0281](#)

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Date: 12th July 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Teanford Mill Breach Lane
Upper Tean**

PROPOSED DEVELOPMENT

Proposed conversion of existing mill into dwelling.

Potential Areas of Environmental Concern.

1. Construction Impacts
2. Land Contamination (Historical use)
3. Lighting (Condition)

General Comments

Contamination: The site forms part of a series of developments across these units, that had previously been used for over 150 year, as a flint mill, dye works, concrete works and general building works .

Some previous, albeit limit investigations have taken place associated with the other developments and have identified contamination in the made ground (Asbestos, Arsenic and lead) , and some gas generation. No investigation has been presented with this development, but will obviously be required, in order to ensure the remediation of the site is undertaken and future occupiers protected. A condition is thus recommended.

**** In addition to the above it should be noted that I have no record of receiving the validation report (or it being discharged) with regard to any of the previous builds, including the first SMD/2017/0091 (DOC/2017/0074). This would be worth addressing with the developer, because if we not receive this information, any occupation of this property without validated of the approved remediation may mean the site qualifies as contaminated land in accordance with P2A of the EPA. 1990.

Nuisance: In order to protect the night time and week end amenity of the area all noisy workings should be restricted to the time set out in condition. A scheme should be submitted for approval prior to work commencing at the site.

Revised Information Update (20/9/2022)

Contamination:

The applicant has submitted a [remediation strategy](#) produced by Ground Solve Ltd (Ref:

GSL2747R02) to support the application.

The document is essentially a review of previous work conducted on site with regard to previous developments ; [SMD/2021/0174](#) and [SMD/2017/0091](#) and the assumption that the issues previously found in these investigations are sufficient to develop this remediation strategy for this development. Technically it does not include any new investigations**.

In this regard, it does lack some information / reports, namely the [phase 2 investigation and remediation strategy](#), produced by GIP associated with the 2017 investigation.

The review tends to focus on the previous work done by [Strata Renewable](#) submitted with regard to [SMD/2021/0174](#) , which is ok but clearly reference to the other [phase 2](#) would have been desirable.

The actual review of the intrusive investigations in this report would not be accepted in isolation**, as they do include any reference to actual sample locations and only a selection of the Strat borehole logs / analysis. Slightly stranger still is that additional analysis had clearly been undertaken (in the area of ([SMD/2021/0174](#)), by the consultants to support this report, but they don't appear until on page 42? However, no reference / locations/ discussion of this supplemental analysis is really included here.

Further examination of these results indicate that they are from [supplemental site investigation/ remediation strategy](#) which has been submitted with regard to the contamination conditions for [SMD/2021/0174](#) (in [DOC/2022/0053](#)). This does contain far more information on these new samples, so perhaps should have been submitted here too (or referenced in the remediation strategy along with the other reports)

With regard to the actual remediation strategy;

The assumption that the results for previous site investigations can be applied to this development to formulate a remediation strategy are accepted in principle. With regard to contaminants in the ground presented here this is essentially accepted.

However, all potential issues previously identified must be addressed.

It is noted that, both the previous remediation strategies ([supplemental site investigation/ remediation strategy](#) & [remediation strategy](#)) that the site is affected by ground gas (from peat essentially) and can be classified as Characteristic situation 2, requiring some protection to be installed. Unfortunately though, this remediation strategy does not consider ground gas in its CSM here and thus does not proposed any protection in this regard.

The remediation strategy therefore, needs to be reviewed/ reissued to include provision for ground gas mitigation – condition amended / recommended

Construction Management Plan (CMP)

The applicant has submitted a [CMP](#) produced by Hewitt & Car ref 22_209: to support the application. This is accepted. The applicant should adhere to this throughout the construction; amended condition included.

Lighting

The applicant has submitted a [light details](#) to support the application. This is accepted.

Recommendation and Conditions

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

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.

Construction & Demolition: Construction Method Statement

2. The development, including demolition hereby permitted shall take place in accordance with the approved construction Environmental Management Plan [CMP](#) produced by Hewitt & Car ref 22_ throughout the course of the development.

Contamination

3. No development approved by this planning permission shall take place until an updated remediation strategy has been submitted that includes details of the ground gas protection measures to be adopted has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:
- a. An updated remediation scheme, based on the scheme already submitted but inclusive of ground gas protection measures.
 - b. An updated 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.
 - c. 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.*

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)
- 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