

Dealt with by: Environmental Health

Our Ref: smd/2022/0180

Direct Dial:

Your Ref: smd/2022/0180

Email:

Date: 6th December 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Newfields Farm Rownall Road
Wetley Rocks**

PROPOSED DEVELOPMENT

Development of a Battery Energy Storage System (BESS) with ancillary infrastructure, security fence, access, landscaping and biodiversity enhancements, to provide balancing services to the local electricity grid

Potential Areas of Environmental Concern and Comments:

1. Construction Impacts (Condition)
2. Noise (Condition)
3. Lighting (Condition)
4. Unexpected Contamination

Noise: Updated comments re. Response to EHO comments 6/12/2022

1. The applicant has revised the sound power levels of machinery and upgraded the mitigation. This has resulted in amended predictions at AP01 Greenfields Farm and AP02 Rownall Road. The applicant has set proposed noise limits for both sets of Noise Sensitive Receptors (NSRs) at 41 dB La90 Day and 3dB La90 Night. The difficulty we have with this proposal is these levels are above the applicant's own background sound levels which are 36dB La90 Day and 30dB La90 Night. As stated in our previous comments we feel in the interest of consistency and to maintain night time background noise levels we would advise this condition is met.

The revised predictions for AP01 would be compliant with the required daytime levels but would exceed the night time background level marginally. The predicted levels at AP02 would comply with our condition for both day and night. We would recommend the applicant investigate further mitigation to ensure predicted night time noise impacts do not increase background noise levels at AP01 Greenfields Farm.

2. In regard to cumulative impact. This development is at the opposite side of the substation to application smd/2022/0444 so the cumulative impact on the neighbourhood may be negligible/ But given the intensification of these developments in close vicinity to each other raises concerns that the local noise environment maybe significantly changed especially in close vicinity to the site boundaries.

Previous Comments:

Environmental Health Department normally recommend a limit of +5 noise rating over pre-existing daytime background sound levels and no exceedance over pre-existing night time background noise levels. The Environmental Health plant/machinery noise condition is set out below to take account of this advice and if complied with would ensure protection of neighbourhood amenity and maintain the low rural night time sound levels in this area.

“The rating level of sound emitted from [any fixed plant and/or machinery associated with the development and the industrial activities at the use hereby approved shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises).

All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.”

A noise assessment has been submitted in support of the application (ION Acoustics; Report ref A1851 R01A).

In the case of this application there is a predicted exceedance for the night at the properties AP1 (Greenfields Farm) and AP2 (Rownall Road Properties) so our **standard condition would not be met**, the exceedance is +5db and +4db respectively. This is based on an unknown tonality correction so the acoustician has set a precautionary +2db correction but in reality this could be less or more. This noise feature correction could not be definitely set until the plant acoustic specification is confirmed.

In addition to the above this area is rural with low background sound levels. The Noise Policy Statement of England (NPSE) recognises the need to protect quiet places, based on the predictions set out here the current low background noise levels could be compromised.

Note 1: The property AP3 Newfields Farm is predicted to experience significant increases in noise rating over background – daytime +11db and night time +12db. This property is owned by the applicant. We would be inclined to discount this property from our impacts consideration unless it is occupied by residents not benefiting financially from the development. The occupation of this property should be clarified prior to any permission being granted.

Note 2: This is the 3rd application to develop battery storage in close proximity to Werrington/Cellarhead sub-station. The cumulative noise impacts of all these developments to the local area should be a consideration in the event they are all granted permission. The fact each has been submitted separately makes this difficult.

Site Construction Nuisance: The proposed development is close to existing properties so care needs to be taken during any construction phase to ensure these activities do not cause unreasonably 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.

Recommended Decision

Environmental Health recommend refusal due to the predicted night time noise impacts caused by the development exceeding pre-existing background noise levels and potentially adversely impacting neighbourhood amenity at Greenfields Farm. Based on the information provided the standard condition to limit plant and machinery noise proposed by Environmental Health would not be met. We would recommend further mitigation is investigated to reduce noise impacts to levels which do not exceed current background sound levels at non-involved properties.

Proposed Conditions if Planning Permission is Granted.

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.
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the storage of plant and materials used in constructing the development;
- IX. 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,
- X. 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,
- XI. 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. 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.*

3. BS4142 Limit on external noise levels produced by fixed external plant

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development and the industrial activities at the use hereby approved shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents

4. 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.*

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 cartilage 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