

Dealt with by: Environmental Health

Our Ref: SMD/2022/0275

Direct Dial:

Your Ref: as above

Email:

Date: 11th August 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land At Blythe Park Sandon Road
Cresswell**

PROPOSED DEVELOPMENT

Reserved matters application pursuant to outline planning permission SMD/2018/0789 (as amended) providing details of scale, layout, appearance and landscaping for the erection of a manufacturing building, together with outdoor storage areas, service yards, parking, landscaping, attenuation ponds and associated infrastructure

Potential Areas of Environmental Concern.

1. Construction and Demolition Impacts (Condition)
2. Contamination (Condition)
3. Noise (Condition)

Recommendation and Conditions

Environmental Health cannot make a recommendation for approval at this time due to a lack of detail / information in the application, notably with regard too;

- Amenity –

Further clarification is required on helicopter movement in and out of the site and timings for operations for the reasons stated above.

- Contamination & Construction

Further clarification is required as to the differences in the proposed site size / layout / activity and the previous scheme, to understand if the agreed investigation (Eastern side) and remediation strategy for “Phase 1b .remain applicable (conditions 25 and 27).

Further Comments:

Amenity Comments –

1. Existing conditions to address Internal, Plant and Vehicle Movement Noise, 2 External Helicopter Noise

1. Existing Conditions -The proposal for a helicopter factory is a significant change though the amenity protection conditions remain appropriate for all internal manufacturing activity (with minor amendment), plant and machinery noise and vehicle movements. The external manufacturing/testing activity will be dealt with under a separate application. Below is the list of amenity conditions and our advice re. their continuing relevance. These conditions were placed on the permission to protect existing and future residents in the vicinity.

Conditions - 33: Retain, 34: retain, 35: retain, 36: retain, 38: retain, 39: retain

Condition 37: Condition relating to breakout noise from non-residential units. The standard (BS8233:2014) to which this condition refers to, does not specifically cover noise breakout from industrial buildings. The original application was submitted in 2014 when the previous form of this condition included breakout noise. For this reason we would recommend the condition is amended to the following or similar wording for clarity and consistency-

Amended Wording for Condition 37

The design and construction criteria of the buildings/premises falling with the non-residential use hereby approved shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings / premises shall not increase the background sound levels during day time expressed as LA90 [1hour] (07:00-23:00 hours) and / or (b) LA90 [15 mins] during night time (23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142: (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: *In the interests of the general amenities of the area.*

2. External Helicopter Noise :-
 - (i) The original application was for a standard manufacturing unit which was predicted not to impact residential amenity and one which pre-existing and future residential amenity could be protected through condition. This development will require the movement of helicopters in and out of the factory, we are assuming by air. There is also a test area which is to be dealt with through a separate application. Clarification is required to confirm if helicopter movement (delivery/service/customer use etc.) regardless of the testing function is ancillary to the manufacturing use.
 - (ii) Existing Noise assessment - If the movement of helicopters in and out of the site is considered within this application then the original noise assessment is no longer applicable as the noise caused by helicopters will introduce to the area will be significant and should be assessed in a new site and operation specific assessment.
 - (iii) Timing – The site is proposed to mainly operate between 07:00-19:00 or aeronautical daylight hours only, but there will be special aircraft positioning hours outside of these times(4.39). On no more than 50 occasions per year aircraft will arrive and depart at any time. This is equal to once per week aircraft noise will be expected through the night

- (4.40). Environmental Health cannot recommend these exceptional operation hours be granted.
- (iv) Testing - It would be expected that if permission was granted the company would ideally test on site. This would introduce significant noise to the local area. A noise assessment is expected with a separate application but the summary of hours of hours for testing in the planning statement predicts the following. There will be estimated between 250 and 500 units produced per year, within 3 years 1000 units. The application proposes 5 hours testing per helicopter. This would tend to indicate approx. 1250 to 5000 hours testing per year causing 24 hours to 96 hours testing per week. Although the manufacturing and testing are on different applications this does tend to indicate significant external noise will be a result of this application. (4.11 and 4.36) The ongoing product support set out in 4.38 further increases helicopter flight time in and out of the site.
- (v) Consultation – It is our opinion all likely impacted residents and the CAA should be consulted on this application. The CAA are responsible for nuisance caused by helicopters and maybe likely involved in any future complaints.

Contamination

Response should be read in conjunction to EH comments on DOC/2022/0035 - Discharge of condition 1, 2, 7, 10, 11, 19, 22, 24, 31, 41, 46, 49 in relation to SMD/2018/0789

The planning statement; indicates “ Whilst the site boundary considered within the reports differ slightly from the reserved matters application it is considered that the reports confirm the low risk of contamination in all of the areas to be redeveloped”

Whilst this is may be broadly accurate statement given the likely history of (this part) the site being essentially farmland. However, given the location of the blythe business park (with a significant industrial past and, historic landfill both of which adjoin the site, this is considered an overly simplistic presentation of the issued associated with the site.

As noted in the above, consultation response, this statement also does not include reference to the latest (and only) agree remediation strategy referenced for conditions 25 and 27 or the Environmental Construction Management Plan, all of which only address only [Phase 1b](#) area.

This application area appears to be a much larger area – [current application area](#) ; some of which has not been investigated at all.

Clarification of this is required and should really be supported by a refreshed remediation strategy, based on a revised conceptual site model that reflects this new use. The alternative would be the requirements of condition 24 of SMD/2018/0789, which still requires further investigation of all the other areas of the site, aside from [Phase 1b](#) area

As noted in the consolation response to DOC/2022/0035, the actual status of previously submitted reports is as follows:

- Construction and Environmental Method Statement, ref. ST15807, Wardell Armstrong (October 2017);
- ❖ This version **was not accepted** by this department as part of the DOC/2017/0087
- ❖ The version that was accepted with reference to Phase 1B only
- PHASE 1B CONSTRUCTION AND ENVIRONMENTAL METHOD STATEMENT
A-004-CEMS-Phase_1B June 2019

This is attached and relevant discussion present in in appendix 2 below

- Phase I and II Geo-Environmental Assessment Eastern Area, ref. ST15807, Wardell Armstrong (October, 2018);
- ❖ Accepted due to the low sensify of the proposed use (industrial)

- Phase I and II Geo-Environmental Assessment Western Area, ref. ST15807, Wardell Armstrong (October, 2018);
- Not relevant
- ❖ Not accepted as appropriate investigation only as preliminary assessment requiring further work.
- ❖ This was agreed by consultant/applicant (Wardell Armstrong)
- Remediation Strategy for Phase 1, Plot 1 (Greenhouse People), ref. RP/HR/ST15807/0015, Wardell Armstrong (November 2018)
- ❖ This is not the latest version of this report. The latest version RP/HR/ST15807/0015a, Wardell Armstrong (November 2018), and is attached
- ❖ This was accepted (for phase 1b only) due to the low sensify of the proposed use (industrial).

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>
- 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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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