

Dealt with by: Environmental Health

Our Ref: SMD/2023/0614

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Date: 30th January 2024

MEMORANDUM: PLANNING CONSULTATION

LOCATION

**Land South of Shay Lane
Ipstones**

PROPOSED DEVELOPMENT

Erection of detached dwelling and associated works

Potential Areas of Environmental Concern.

1. Construction and Demolition Impacts
2. Land Contamination – mine gas emissions (Condition)
3. Lighting (Condition)
4. Drainage (Building regulations)

General Comments (as for previous application SMD/2023/0130)

Land Contamination: The primary issues with the site relate to its past legacy association with coal (and Ironstone) mining, with at least one (known) historic shaft extremely close to the proposed building (approx. 20m), although the specific location of the shaft has not appear to have been established (noted by the CA). Based on the area history, it would also seem likely that other parts of the site may have been worked in the past (the majority of mine workings predating 1887 are unrecorded).

The main concerns with the past legacy of coal mining from a contamination point of view is the potential for mine gas, contamination from spoil (less significant) and , although not strictly contamination, geotechnical issues (stability). The accompanying [Sladen coal report](#) does note gas as a possible risk and notes “basic gas protection measures could be adopted in leu of an assessment. It is not clear how the level of risk was determined as a full understanding of the risks, even the exact location of the shaft, is not yet known. It would be desirable that the coal legacy was better understood prior to submission, as it could influence the design layout, and it is possibly that the costs of any required remediation (for stability rather than contamination) could be significant.

A contaminated land investigation is therefore recommended. This should focus on mine emissions and be undertaken in accordance with recognised best practice ; [CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions. \(CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3\).](#)

Lighting Condition: Any artificial lighting installed into the proposed dwelling should not cause adverse impacts to pre-existing residential properties.

If consent is granted the following conditions are recommended:

Recommendation and Conditions

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

1. Construction and demolition works: Environmental Method Statement

No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement 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 arrangements for prior notification to the occupiers of potentially affected properties;
- III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- IV. Full details of any piling technique to be employed;
- V. Location of temporary buildings, generators. Compound structures and enclosures;
- VI. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- IX. No waste material associated with the demolition or construction hereby permitted shall be burnt on site but shall be kept securely for removal to prevent escape into the environment.

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.*

Land Contamination

2. Contamination

- i. No development, shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. The investigation should include a mine gas risk assessment undertaken in accordance with CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions (CL:AIRE, Buckinghamshire.

ISBN 978-1-905046-39-3). Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

- ii. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority.
- iii. The agreed remediation strategy (ii) shall be adhered to throughout the development.
- iv. Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.
- v. 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.

3. 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 2-3):- *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. Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause glare 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 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>
- The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m ²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

- 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.

- Mine Gas risk assessment should be carried out in accordance with [CL:AIRE, 2021. Good practice for risk assessment for coal mine gas emissions. \(CL:AIRE, Buckinghamshire. ISBN 978-1-905046-39-3\).](#)
- 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