

Dealt with by: Environmental Health

Our Ref: smd/2023/0590

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Date: 29th January 2023

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Greenacres Stables Farm Akesmore Lane
Biddulph**

PROPOSED DEVELOPMENT

**Replacement of existing stable buildings with
relacement detached dwelling, landscaping features**

Potential Areas Of Environmental Concern.

1. Contamination: former Colliery
2. Noise from skip yard
3. Other: smoke, odour, waste activity.

Recommendation:

Environmental Health recommend refusal due to the unsuitability to locate a residential home adjacent to a 'skip yard' and the significant 24/7 amenity issues this will cause any future residents at the application site.

Contamination comments as per smd/2020/0544

In addition, the development requires an detailed coal mine investigation and contaminated land (ground gas) investigation prior to starting on site. This can be a costly process. The developer may also have to remediate any voids beneath the site that the investigation may discover, which again could be a costly process.

Whilst it is considered likely that any issues that are discovered could be appropriately remediated, as the proposal is only for a single bungalow there a concern regarding the potential viability of the development. An viability assessment of the likely costs of the required investigation would be beneficial to ensure that it is undertake correctly should consent be granted.

- Hazardous ground gasses from shallow coal mine workings
- Soil contamination associated contaminated infrastructure / spoil

- *Made ground deposits in the area* (NB; The burial of demolition waste in this general area of Biddulph is a known issue*

The hazard rating attributed to the impacts of these potential risks though is less clear, with the risk assessment concluding a medium to low risk for the site overall.

e.g Toxic and explosive gases (Methane & Carbon dioxide) – Probability is judged as “Likely” Consequence only “medium”?? This is potentially not accurate, though of not great significance in the particular scheme of things, providing a robust coal mine gas risk assessment is undertaken .

The report concludes with the requirement for further works (aside from the below – coal mine assessment). Including gas risk assessment. These are tentatively agreed but more detail would be required and the gas risk assessment, should be done inline with the [new guidance on mine gas assessment issued by Claire](#).

The Coal Authority Report

The REFA coal mining report states , “the presence of shallow coal mine workings lying below the development area of this site is therefore considered to represent a **HIGH RISK** and further intrusive investigations are considered essential....It will therefore, be necessary to undertake a program of further intrusive investigations in the area of the proposed structure to determine the potential presence of any shallow coal or possible workings”.....

This is agreed

The investigation (cost of rotary boreholes / gas monitoring) and (if found) the stabilisation of shallow coal mine workings can be a (very) costly process depending upon the volume of grout required to fill the voids present. It is very difficult to determine the likely costs of such works prior to the works taking place. At this site there is the possibility that workings may be present in multiple seams considered lying at shallow depth. However, this will merit further consideration when the intrusive investigations take place.

Viability

The proposals for further investigations for both areas are tentatively agreed. It is also agreed that it is likely that the site could be remediated, to enable a safe development. However, this could be a costly process. However, the concern is that as the proposal is only for a single bungalow, it is possible that the required works will make this scheme unviable. This can in some circumstances mean that the required level of investigations / remediations can be compromised in order that a development remains viable for a developer. Whilst it is noted that the potential costs of the remediation are unknown, it should be possible to assess the cost of the initial coal mine investigation (3 rotary boreholes + gas monitoring etc) and an estimate of remediation costs to gain an understanding if the to give an understanding viability of the development. It is recommended that the application is

withdrawn until such time that the developer demonstrates that the cost of the required robust investigation / possible remediation, will not affect the viability of the development.

2. Noise:

A new noise assessment has been submitted with updated noise measurements taken over a 7 day period and a noise mitigation (sound insulation) scheme proposed. It was undertaken by SBM Safety Solutions (E19379. BS8233). The assessment determines the site as suitable for residential development subject to a prescribed sound insulation scheme in compliance with BS8233:2014 Guidance on Sound Insulation for Buildings. There is mention of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and an investigation of representative noise from a similar skip operation but this does not appear to have progressed to an assessment of potential noise impacts or any noise penalty. We would expect a BS4142:2014+A1:2019 to have been clearly set out so the impact the skip yard has on background noise levels is understood.

The assessment determines there will be loud noise impacts in the garden areas but proposed this can be mitigated in particular parts of the garden through the use of an acoustic fence and distance between noise source and receptor. Additionally it proposes internal noise can be mitigated through the shutting of windows and the use of mechanical ventilation. The assessment also advises the skip yard operator will shortly be retiring so intensification of the site is unlikely.

As in our comments to previous applications the development of a residential house in this rural area next to a skip yard is not ideal. The skip yard as set out in the assessment will cause loud noise which will require mitigation by the occupier by shutting windows, using mechanical ventilation and finding areas of the garden not as excessively impacted by waste operations. It is our opinion this is not practicable and complaint would be likely. The absence of a BS4142:2014+A1:2019 assessment means there is an unknown level difference between the rating level of noise caused by skip operations and the background sound levels when the skip yard is not operating. This would assist in understanding the likelihood of complaints and the significance of impact to amenity. It is a rural area and future occupiers would reasonably expect to open their windows to ventilate and enjoy their garden without the noise from a skip yard.

The advice the operator is due to retire may cause the yard to stop or could cause intensification by any new operator.

3. Other

The owner of the adjacent yard has been served with a Community Protection Warning Notice previously due to the burning of waste at the site and smoke impacts into the local environment. There is also a significant risk that localised odour from skips could impact the proposed

residential dwelling. The skip site has been referred to the County Waste Planning Team for investigation under their remit due to our concerns the site is being operated as a waste transfer station, though we understand no action has been taken to date.

Advisory Note/ Informative:

- <https://www.claire.co.uk/component/phocadownload/category/38-documents-for-news-articles?download=750:good-practice-for-risk-assessment-for-mine-gas-emissions>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014+A1:2019 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
- 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