



Dealt with by: Environmental Health

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Date: 30th January 2023

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land Off Bemersley Road
Brown Edge**

PROPOSED DEVELOPMENT

Construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure.

Potential Areas Of Environmental Concern.

1. Construction Impacts (Condition)
2. Noise – Plant and Machinery
3. Land Contamination (Condition)
4. Lighting (Condition)

Comments 30th January 2024 ref: BWB Noise Assessment MCA2212 September 2023

1. The updated noise assessment includes a mitigation scheme in section 6. This appears to reduce noise impacts at the boundary during night time hours to approx. 50.0-54.9 dBA. This results in the BS4142:2014+A1:2019 assessment in tables 6.1 and 6.2. The predictions indicate daytime operational noise impact levels would not adversely impact daytime sound levels and would comply with the standard environmental health condition but significant night time exceedances remain at all NSRs and so the standard condition would not be met. This is likely to cause an audible noise outside the properties during the evening and night.
2. The assessment in 6.10 makes the point that during the night residents are likely to be inside their properties and so are less likely to be adversely impacted by noise

from the site. The requirements of BS8233:2014 Guidance on sound insulation for buildings would be readily complied with.

3. It is noted there is no noise penalty applied despite the report clearly predicting noise levels exceeding background by up to 13db and the introduction of plant noise into a rural low background noise location.
4. Based on the latest acoustic report, if this development is permitted it is unlikely normal residential amenity will be significantly adversely impacted inside properties but there will clearly be a new industrial type noise audible in the vicinity of the site and outside some residential properties during the evening and night.
5. Many of our points set out below remain valid especially the use of gardens in the evening and the introduction of an industrial type noise into a rural area. This does appear to be an industrial type development being placed into a rural area.

Comments 21st March 2023

This development from a noise perspective is industrial in nature, it has the potential to introduce a low level industrial noise into an area with current low evening and night time sound levels.

Although the nearest residential properties are reasonable distances from the site the noise impacts are predicted to be significantly adverse. The predicted operational night time noise impact levels will exceed current background sound levels by +10db at 5 Woodhouse Lane and Old Woodhouse Farm, +12 dB at 276-278 Bemmersley Road and +17dB at 1 Heather View (though our calculation indicates a +13dB at 1 Heather View). The predicted rating level when measured at Noise Sensitive Receptors which is the noise impact level plus any acoustic feature will be approx. 34 - 35dB. This could be considered relatively low for industrial noise and if this development was in an industrial estate for example then our concerns would be different. But this is a rural/residential area which as table 2.2 shows has very low background sound levels approx. 22-25dBA. If this development is granted permission then based on the predictions in Table 2.2 of the technical note 17th August 2022 the noise environment for the nearest residential properties will change in the evening and at night.

The applicant argues context should be considered for low background levels ref BS4142:2014 which could be accepted if this was a primarily mixed use industrial/residential area but it is not, it is a rural/residential area and it is our opinion these should be protected as per the Noise Policy Statement of England.

The applicant also submits this development would not compromise the internal sound levels and would be compliant with BS8233:2014 Guidance on Sound Insulation and Noise reduction for Buildings. This is correct but the primary concern here is for external areas. The nearest residents as assessed under NSRs 1-4 currently enjoy low background sound levels in their outside living spaces in the evening and at night. This development could introduce a low level background industrial noise into their outside living spaces. Background levels according to figures B1 and B2 of the main noise impact assessment show that from approx. 18:00 to 07:00 background sound levels at receptor properties reducing to approx. 30-32dBA. It is our opinion these should be protected where possible.

Argument could be made that external night time levels are not relevant when so low but residents should be able to enjoy quiet evenings in their gardens as currently exist.

In consideration of the area in the immediate vicinity of the site although not a primary Environmental Health consideration it would be worth noting this is rural in nature with no commercial/ industrial units close by so our expected night time sound levels would be extremely low, as per NSRs1-4 or lower. The noise in the immediate vicinity of the site according to the noise contours will be 50-60db while operating, this is not consistent with a rural area at night and would be typical of a night time industrial unit in operation.

In summary this development does not appear appropriate for this location. It will potentially emit a noise which is not characteristic for the area. It will position loud industrial plant in agricultural fields and certainly according to the noise assessment change the noise environment for a significant number of local residents. The levels of noise will be low but would be noticeable especially on still evenings and nights.

We recommend refusal of this application but in the event permission is granted then the conditions below should be considered to reduce the impacts of the development.

17th October 2022 (Updated Information) Technical noise notes MCA2212

The applicant has provided updated information and clarification to the earlier submitted noise report. The additional information contains mitigation to reduce noise impacts. There continues to be a predicted noise increase over background at the nearest noise sensitive properties. The applicant predicts a noise rating level of between 34- 35dBA at the nearest sensitive receptors and a corresponding 25dBA level inside those properties. The assessment does not include an acoustic feature correction (due to distance between source and receptor 235m).

There are two impacts which should be considered based on the updated information–

1. The **amenity** of the nearest residents could be adversely impacted by the increase in noise, although daytime levels are not a significant concern, there is potential that noise from the battery operation will be noticeable in living areas in the evening and at night as background sound levels reduce.

The predicted internal noise levels will be compliant with BS8233:2014 (Guidance on Sound insulation and noise reduction for buildings) but this does not mean noise will be inaudible. Though these are low levels and sleep should not be significantly adversely impacted for most residents, there will be a change to the local sound environment when background sound levels are low. Noise in outside living areas (gardens) will be likely audible based on the predictions. The increase in night time noise levels will vary from +10db to +17db. These are significant levels of noise increase although at relatively low levels.

Normally we would recommend the following condition restricting night time noise

impacts to not exceed pre-existing background levels but this would not be complied with based on the predictions, an alternative boundary condition is advised if permission is granted.

“The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [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.”

It is further a concern that a correction for tonality has been dismissed. The application should have taken a precautionary approach to the noise impact caused by an unusual new noise being caused. Similar applications have used a +2db correction. If imposed the noise rating levels would increase by a further +2dBA.

As the nearest properties are in Stoke-on-Trent so we would advise that local authority is consulted. They were consulted pre-application.

2. The **local sound environment** in the vicinity of the site will change. The current lowest background sound levels at the site will be approximately 22-25dB Laeqt, these would be increased to 60-65db Laeqt at the boundary according to our reading of the noise assessment. This will by effect change the noise nature of the area from rural to an industrial type area during the evening and night, it will be an approximate +40dbA increase in noise levels. As previously stated – “The Noise Policy Statement of England recognises the need to protect the low sound levels found in quiet rural areas. This development would compromise the intentions of that policy in this area.”

If permission was to be granted then it maybe prudent to condition boundary levels. These levels should be clarified with the applicant.

Recommendation

Environmental Health recommend refusal but would advise the following conditions if permission is granted.

Recommended Conditions

1. Construction & Demolition Impacts:

- I. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- II. 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. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
- III. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

Reason: *To protect the amenities of the area during construction*

Construction & Demolition works: Time of operations

2. 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.*

3. 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.

4. Noise Limits (Confirm specific levels with applicant if required)

The level of noise emitted from the site shall not exceed 55db Laeq (15mins) at any time when measured at any point on the boundary of the site.

Reason:- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.*

5. 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.*

6. Maintenance of Batteries

All equipment and infrastructure associated with this development must be constructed and maintained throughout the life of the development so as to prevent any discharges or spillage that may cause pollution of the surrounding land, underground strata or watercourses .

Reason: *To prevent pollution of the Environment*

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- 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 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
- The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.
- 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.

- 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