

Dealt with by: Environmental Health

Our Ref: smd/2024/0117

Direct Dial:

Your Ref: as above

Email:

Date: 1st May 2024

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Greenacres Stables Farm Akesmore Lane
Biddulph**

PROPOSED DEVELOPMENT

Replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array.

Potential Areas Of Environmental Concern.

1. Contamination: former Colliery (Condition)
2. Noise from skip yard (Adverse impact to amenity)
3. Other: smoke, odour, waste activity. (Adverse impact to amenity)

Recommendation:

Environmental Health recommend refusal due to the unsuitability for the site to be used as residential home. It is adjacent to a 'skip yard' which has no planning restrictions in place and can operate 24/7. There are likely to be significant noise impacts compromising the use of external areas in the proposed residential property and also potential odour issues from skips and associated waste operations. If permission is granted for a residential dwelling then both the amenity of those residents and the commercial operation of the skip yard would be compromised.

Comments:

1. Contamination comments as per smd/2020/0544 and smd/2023/0590

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.

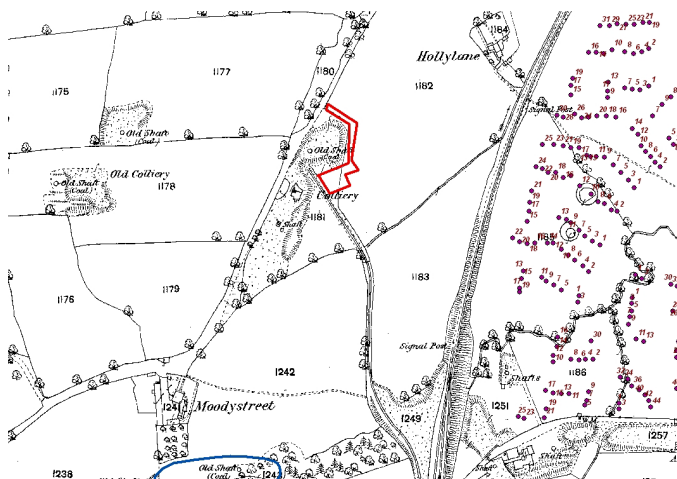
Previous Comments:

The site used to form part of or was immediately adjacent to a former colliery (figure 1). Development may be compromised by both contaminative (ground gas, hydrocarbons, heavy metals) and geotechnical (voids, instability) risks, associated with this former use.

No assessment of these risks had been submitted by the applicant; therefore we do not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The applicant should be informed that they need to submit a both Contamination risk assessment and Coal Mining Risk Assessment Report as part of this application, prepared by a suitably qualified person before this application can be determined.

Figure: Application site in 1880



Updated Comments:

The applicant has submitted both a Phase 1 Geo-Environmental Desk Study (Ref 21005/GEDS) and Coal mining Risk Assessment Report (Ref: MD/CMRA/21005) produced by REFA.

Contamination Report

The Preliminary Phase 1 report is considered a reasonable assessment of the potential risks associated with the site, and concludes that the primary risk from the site are:

- *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: It is worth noting that advice has been received that the operator of the skip yard has sadly died and it is understood the applicant will inherit the yard. There is no guarantee the yard will cease to operate in its current or similar form due to this change in ownership.

A noise assessment with supplementary information has been submitted to support this application (SBM Safety Solutions) Ref. E19379_BS8233. The assessment proposes that with suitable mitigation internal levels as required by the criteria of BS8233:2014 Guidance on Sound Insulation for Buildings would be achieved. External levels are less clear. Noise impacting external living areas are more problematic and may cause significant loud noise in these areas. The barrier proposed is 2m high on top of a 3m high bund but effectiveness of this bund will be determined by proximity of source and receptor to it. Areas of the garden are likely to be impacted by significant loud noise. The proposed dwelling will be in a rural area and so there will be a reasonable expectation of low noise levels during the evening and night. The skip yard will generate industrial type noise with the potential for 24/7 operation as there are no planning restrictions in place. The potential that a residential property can co-exist next to a skip yard and enjoy a good level of residential amenity is remote, complaint would be likely.

We would advise the ownership and future use of the yard is clarified. If the applicant does assume ownership of the yard then he will be in a position to confirm its use for commercial and industrial purposes terminated. The removal of the yard and ceasing of all commercial activities would address the amenity concerns and our recommended refusal could be withdrawn.

3. Other

The use of the skip yard has caused complaint of smoke nuisance in the past. There is also a significant risk that localised odour from skips could impact the proposed residential dwelling. The skip site has been previously referred to the County Waste Planning Team for investigation under their remit due to our concerns the site was being operated as a waste transfer station.

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