

Dealt with by: Environmental Health

Our Ref: SMD/2024/0437

Your Ref: as above

Date: 24th February 2025

MEMORANDUM: PLANNING CONSULTATION

LOCATION

Land East Of , Eaves Lane , Armshead , Staffordshire

PROPOSED DEVELOPMENT

Variation of condition 1 relating to SMD/2021/0175

Potential Areas Of Environmental Concern:

1. Construction Impacts (Condition)
2. Manure management (Condition)
3. Importation of "Fill" material (Condition)
4. Unexpected Contamination (Condition)
5. Lighting (Condition)
6. Drainage (Building Regulations)
7. Coal Mining (High risk) – Mine Gas condition

Comment: Environmental Health were not consulted on the previous applications at this site. This current variation appears to require the installation of welfare facilities at the site for workers.

Coal Authority High Risk development area. Although there is limited ground works proposed and the proposed use is not as sensitive as residential, should unrecorded coal workings and associated voids exist beneath the site there is the potential for some associated mine gas e.g from CA comments " *It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA*". It is therefore recommended that the applicant either undertakes a ground gas risk assessment or assumes a basic ground gas risk and adopts the appropriate measures . A condition is recommended

Recommendation

The Environmental Health Section have no objection but we would advise the following conditions are imposed on any permission granted to protect local amenity and environmental quality.

Construction & Demolition works: Time of operations

1. 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.*

Construction & Demolition: Pollution Control

2.

- 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*

Manure management and Storage

3. Manure or effluent generated from the proposed unit shall be managed in accordance with the recognised Best Available Technique (BAT) outlined in the Protecting our Water, Soil and Air, *A Code of Good Agricultural Practice* growers and land managers (Defra, 2009) to ensure as far as is possible that there is no reasonable cause for annoyance from any odours at any nearby sensitive receptors and pollution of controlled waters is prevented.

All generated manure or effluent should be stored in a dedicated storage area, with sufficient capacity to store 6 months worth of manure. The manure storage area should have an impermeable surface capable of containing, or facilitating the collection of, all manure generated leachate and sited at least 50m from all dwellings. The burning of manure as a means of disposal is not permitted.

Reason: *To protect the amenity of neighbours and pollution of the environment.*

Importation of Fill Material

4. No fill material, used in connection with the above development or any associated farm track, is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A methodology for demonstrating the material is suitable for its proposed use, should be submitted too and agreed by the Local Planning Authority prior to the material being imported.

Mine Gas

5. Development should not commence until either:

A ground gas risk assessment has been completed in accordance with a scheme to be agreed with the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority. If the risk assessment indicates that gas protection measures are required, details of the gas protection scheme must be submitted and agreed in writing with the Local Planning Authority prior to installation.

Or

A basic ground gas risk in line with that defined as a Characteristic 2 * situation (as defined in CIRIA C665; Assessing Risks Posed by Hazardous Ground Gases to Buildings, London CIRIA, 2007) is assumed and details of the appropriate gas protection scheme submitted and agreed in writing with the Local Planning Authority prior to installation.

Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the local planning authority.

Unexpected Contamination

6. In the event that contamination including surface coal measures 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 exists 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. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason (5 and 6):- *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.*

Lighting

7. Details of building mounted floodlighting or security lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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.

Reason: *To protect the local amenities of the local residents by reason of excess of luminance.*

Septic tank and soakaway system

8. Before the use hereby permitted commences, the foul drainage from the development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297:2007+A1:2008 and which complies with the following requirements:
 - There is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse
 - Porosity tests are carried out to the satisfaction of the LPA to demonstrate that suitable subsoil and adequate land area is available.

No part of the development shall be brought into use until the septic tank and soakaway system have been constructed in accordance with the specification contained within this planning condition. The system shall be maintained for the life of the approved development.

Reason: *To protect the amenity of the locality and for people living and/or working nearby*

Plant and Machinery Noise

9. The machinery, plant or equipment including air conditioning units installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

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 any 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/>
- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice

Guidance, produced by the greater London councils
<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).
- Protecting our Water, Soil and Air, A Code of Good Agricultural Practice growers and land managers (Defra, 2009 [ISBN: 978 0 11 243284 5]), is available as a free download from the defra website: www.defra.co.uk
- 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.

- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG): New Residential Development, 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, BS5228-1:2009+A1:2014 Code of Practice for noise and vibration on construction and open sites, 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