

**BOROUGH OF NEWCASTLE-UNDER-LYME**

<b>FROM: REGENERATION &amp; PLANNING SERVICES ENVIRONMENTAL HEALTH DIVISION</b>	<b>TO: HEAD OF REGENERATION AND PLANNING SERVICES</b> <b>For the attention of Planning Applications</b>
<b>LOCATION:</b> Former Allotment Gardens Newcastle Road Madeley Newcastle Under Lyme, Stafford	<b>APPLICATION NO:</b> CRM13/00822/FUL
	<b>OUR REF:</b> APP082589 / <b>Case Officer: Technical Assistant</b> 01782 742582
<b>DEVELOPMENT:</b>	Single dwelling and vehicular access via Mill Lane, Middle Madeley (outline application with all matters reserved)

**1. POTENTIAL LOSS OF AMENITY TO THIRD PARTIES:**

**Groundworks / Construction Phase**

The construction works have the potential to create noise and fugitive dust disturbance to nearby properties. Correspondence regarding noise and dust control will be forwarded to the applicant.

**Occupied / Operational Phase**

**Noise / Vibration & Light**

No comments

**2. OTHER RELEVANT PLANNING COMMENTS IMPACTING ON DEVELOPMENT:**

**Contaminated Land**

The application has been accompanied by a Phase 1 Desk Study by Demeter Environmental Ltd, dated July 2014, the contents of which are duly noted.

This department has considered the report and is in agreement with the findings of the same; accordingly, it is recommended that full contamination conditions are attached to any planning permission which is granted by the Council.

**Noise, Air Quality and Waste Storage & Disposal**

No comments

**3. DIVISIONAL RECOMMENDATION:**

There are no objections to this application subject to the following conditions.

**Contaminated Land (Please notify Building Control of these Conditions)**

Development should not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, is completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

#### 1. Site Characterisation

Development should not commence until a further 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. 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 prior to the commencement of the development. The report of the findings shall include;

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems; and,
  - Archaeological sites and ancient monuments.
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 2. Submission of a Remediation Statement

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. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 3. Implementation of Agreed Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, 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.

#### 4. Report of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### 5. Importation of Soil/Material

No top 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 all):

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework].

Advisory Notes:

The site is known to be/suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- a) Tiered risk assessment shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with the National Planning Policy Framework and the CLR Report Series 1-12.
- b) 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.
- c) The Local Planning Authority will determine the application 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 2A 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.
- d) 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 2A of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- e) 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

- f) 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.
- g) Newcastle under Lyme Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded 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. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/contaminatedland> or 01782 742595

### **Informative**

#### **Importation of waste materials to facilitate construction**

You are advised that should any non virgin materials be brought onto site as part of the development e.g. construction and demolition arisings, road planings, recovered aggregates, or, should there be a need to dispose of materials on site for example by burying or burning that an exemption from a requirement to hold an Environmental Permit may be required from the Environment Agency. In certain cases an application for an Environmental Permit may be required.

Further details can be obtained from the Environment Agency:

Web: <http://www.environment-agency.gov.uk/>

Enquiries: 08708 506506



21 July 2014

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22.7.14

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