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O F F I C E		

To: Tanya Coggon, Development Management

From: Matthew Brian, Environmental Protection Team

Your Ref: PA/2023/1034

Our Ref: PLU 007890

Subject: Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect 38 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments.

Location: 51-55 Waterside Road (Former Osgerby Haulage and Warehousing)
Waterside Road, Barton Upon Humber, DN18 5BH

Date: 02 November 2023

This department notes the above application and has the following comments to make.

Contaminated Land

The application for residential development is a **sensitive end use**. Historical mapping indicates this site has been used as a “Whiting Works” and then a haulage depot. In addition, industrial buildings associated with these businesses have since been demolished. This has the potential to have introduced contamination to the site, including asbestos, heavy metals, PAHs and made ground.

It is the developer’s responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

This does not comply with national and local planning policy guidance and the text set out below explains why this is the case.

1. The councils contaminated land planning guidance document detailed below and produced in collaboration with other local authority Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) members is available on the councils web site at the following link :

<https://www.northlincs.gov.uk/planning-and-environment/environmental-health/contaminated-land/>

YALPAG Technical Guidance for Developers Landowners and Consultants version 12.2 July 2023.

It recommends that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances a **Phase 1 assessment** should be submitted as a **minimum**, which includes a desk top study, a site walkover and a conceptual site model.

2. The information required by the YALPAG document is in line with National Policy which requires that developers should provide proportionate but sufficient site investigation information (and risk assessment) to determine the existence or otherwise of contamination.

Only a site specific investigation can establish whether there is contamination at a particular site, however a desk study and site walkover may be sufficient to identify how pollutant linkages might be broken. **Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined.** After remediation, as a minimum land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Taking into account the above advice, the applicant should submit a **Phase 1** report for this department's consideration prior to the application being determined in accordance with National Policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to use.

If the council is however mindful to determine the application without the information required under National Planning Policy guidance then this department would recommend the inclusion of the following consent conditions.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters,

relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

Part 2: Submission of Remediation Scheme

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 must be 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.

Part 3: Implementation of Approved 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 (referred to in PPS23 as a validation 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.

Part 4: Reporting 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 Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 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 in accordance with Part 3.

Reason for pre-commencement condition: To ensure the site is safe for future users and construction workers.

Noise

The proposed site is immediately adjacent to industrial premises and therefore there is the potential for adverse impact from activities on site. In order to determine the noise impact on the proposed development from nearby industrial premises, this department would recommend that a noise impact assessment is undertaken prior to determination.

Noise Impact Assessment shall be carried out with reference to:

- *National Planning Policy Framework (2021)*
- *National Planning Practice Guidance (2021)*
- *ProPG: Planning & Noise, New Residential Development (2017)*
- *BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound.*
- *World Health Organisation Environmental Noise Guidelines for the European Region 2018*
- *World Health Organisation Guidelines for Community Noise (1999)*
- *World Health Organisation Night Noise Guidelines for Europe (2009)*
- *BS8233:2014 Guidance on sound insulation and noise reduction for buildings*
- *BS7445-2:1991, ISO1996-2:1987 Description of environmental noise. Part 2: Guide to acquisition of data pertinent to land use.*

The Noise Impact Assessment shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at

sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Reason: For the protection of residential amenity and public health

Construction and Demolition Conditions

The proposed development is situated in close proximity to residential dwellings. Noise, dust, and light generated during the development phase have the potential to impact residential amenity. To prevent local residents and other sensitive receptors from being affected during the construction of the proposed development, this department recommends including the following conditions should this application be approved.

Working hours condition:

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 08:00 to 18:00hrs Monday to Friday.
- 08:00 to 13:00hrs Saturday.
- No construction, demolition or site clearance operations on Sundays or public holidays.
- HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the Local Planning Authority.
- Installation of equipment on site shall not be permitted outside these hours without prior written approval from the Local Planning Authority.

Reason: To protect residential amenity

Construction Environmental Management Plan

No stage of the development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:-

Noise and vibration: The CEMP shall set out the particulars of –

- a) the works, and the method by which they are to be carried out;
- b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures

Light: The CEMP shall set out the particulars of –

- a) Specified locations for contractors' compounds and materials storage areas,
- b) Areas where lighting will be required for health and safety purposes,
- c) Location of potential temporary floodlights,
- d) Identification of sensitive receptors likely to be impacted upon by light nuisance,

e) Proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of –

- a) Site dust monitoring, recording and complaint investigation procedures
- b) Identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied
- c) Provision of water to the site
- d) Dust mitigation techniques at all stages of development
- e) Prevention of dust trackout
- f) Communication with residents and other receptors
- g) A commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority
- h) A no burning of waste policy