I N T E R O F F I C E	**MEMO**	**North Lincolnshire Council**

To: Ed Senior, Development Management

From: Environmental Protection Team

Your Ref: PA/2023/1124

Our Ref: PLU 007735

Subject: Planning permission for the development of 599 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station

Location: Lincolnshire Lakes, Land east of M181 and north of Burringham Road, Scunthorpe

Date: 28 December 2023

Further to our memo dated 25th August 2023, additional information has been submitted. I can confirm that this department has the following comments to make.

Contaminated Land

I can confirm this department has received and reviewed the following reports:

- Alan Wood & Partners, Phase II Geo-Environmental Investigation Report, Lincolnshire Lakes, Scunthorpe, Dated: 4th August 2023, Ref: JMS/SLR/SW/46069-Rp003

Phase II Geo-Environmental Investigation Report

The findings of the previous reports for this site confirmed that none of the soils tested during the Phase II Geo-Environmental Assessment exceeded the GACs for residential with plant up take. However, the previous ground gas monitoring undertaken by FWS was incomplete. Therefore, the additional site investigation undertaken includes additional ground gas sampling.

The additional works were undertaken between 28th June - 7th July 2023 and comprised of five cable percussive boreholes, three windowless sampler boreholes, ten cone penetration tests and seven machine excavated trial pits.

A total of six soil samples were taken from the trial pits and analysed for inorganic and organic PAH contaminants. Assessment of the soils data indicates that no

contaminants of concern exceed relevant GAC criteria. Six soil samples were analysed for asbestos, no asbestos fibres were detected in the samples tested.

The report has concluded the following:-

> *"There is considered to be no significant risk to human health, the development or the wider environment, with respect to the identified levels of contaminants within the onsite soils".*

However, no results have been submitted for the gas monitoring, which was undertaken due to the organic material identified at site. The report confirms that:

> *"Six ground gas monitoring visits will be made, and this will be reported under separate cover once the required monitoring has been completed".*

Section 8.6.2 confirms that on completion of the ground gas monitoring a ground gas risk assessment is to be submitted. To date, this department is still awaiting the outcome of the ground gas risk assessment as no data has been supplied. Therefore, based on the information provided, this department would recommend the inclusion of the following condition should planning permission be approved.

> 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.
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> **Part 1: Site Characteristics**
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> 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.
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> 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:
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> (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: To ensure the site is safe for future users and construction workers.

Air Quality

This department has received the following updated report:

- Air Quality Assessment Burringham Road, Scunthorpe Client: Keepmoat Homes Ltd Reference: 5386r5 Date: 27th September 2023

The air quality assessment addresses comments raised by this department. The following comments in relation to the construction phase still stand and are replicated below for information.

"Construction Phase

The impacts on air quality during the construction phase have been assessed in accordance with the Institute of Air Quality Management (IAQM) document *'Guidance on the Assessment of Dust from Demolition and Construction.'*

The conclusion of this assessment is that the potential risk of dust soiling is **high** from earthworks, construction and trackout activities. The potential risk of human health impacts is **low** from earthworks, construction and trackout activities.

The IAQM guidance provides potential mitigation measures to reduce impacts as a result of fugitive dust emissions during the construction phase. These have been adapted for the development site as summarised in Table 21.

With the above in mind, this department recommends the inclusion of the following conditions should planning permission be granted:

1) Working Hours

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.

2) Construction Environmental Management Plan (CEMP)

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, and all recommendations made in Table 21 of report reference 5386r3 as a minimum:-

I) 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

II) 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.

III) 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

Reason: For the protection of residential amenity in accordance with planning policy DS1."

<u>Operational Phase</u>

The assessment has been updated following this departments comments. The following matters were previously raised in relation to this assessment.

1. **NLC Original Comment:**

   "Section 4.2.2 states:

   "The Lyndhurst AQMA is located…

   This is incorrect, the AQMA is the Scunthorpe Town AQMA."

   NLC Current Comment: This has now been updated and the matter addressed

2. **NLC Original Comment:**

   Figure 13 includes the input assessment area and the road links that have been modelled. It is noted that this includes a new roundabout that joins the M181. This will provide a new road link from the existing motorway onto Burringham Road (B1450) which does not currently exist. As a result, vehicles travelling north along

the M181 will now be able to exit onto the B1450 increasing traffic flows within this area.

It is unclear whether this has been taken into consideration within the report and is fundamental to establishing the impact of the proposed development on local air quality.

NLC Current Comment: No commentary has been made on this point and it is therefore unclear whether it has been addressed.

3. NLC Original Comment:

Model Input Parameters

In Appendix 1, the assessment includes the model input parameters and states the following:

- *"NO2 is not monitored within the vicinity of the site. The DEFRA background concentration at the CM2 - East Common Lane continuous analyser was therefore utilised in lieu of alternative data."*

  This is incorrect. NO2 monitoring is undertaken using a diffusion tube (DT24) 750m to the east on Burringham Road. This has been in situ since January 2021 and has recorded the following results (2021 - 17.3ug/m3 and 2022 – 15.9ug/m3)

  The assessment must take into consideration the above which will provide a more representative background concentration for this location.

NLC Current Comment:

The updated report states:

"For the purpose of the assessment, model verification was undertaken for 2019 using traffic data, meteorological data and monitoring results from this year. The choice of 2019 as the verification year aligns with the IAQM position statement 'Use of 2020 and 2021 Monitoring Datasets'26, which states:

"If you are carrying out an air quality study that includes validation against monitoring data, use 2019 monitoring data as the last typical year."

DEFRA advise against the use of 2020 and 2021 data due to the influence of the COVID-19 pandemic on traffic levels."

This comment is accepted and this matter addressed.

NLC Original Comment:

- *The assessment has included 1 year of meteorological data and does not take account of any inter-year variations. Justification for this must be provided*

NLC Current Comment: The updated report states:

“In accordance with the DEFRA guidance, one year of meteorological data was used for the purpose of the assessment. As meteorological data has less influence on modelled concentrations compared to background concentrations, it is considered an acceptable approach to represent predicted concentrations within the modelling extents.”

This comment is accepted and this matter addressed.

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