

Environmental Health Consultee Comments for Planning

Application Number: UTT/23/0950/PINS

PROPOSAL: Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities

LOCATION: Land at Tilekiln Green, Stansted, Great Hallingbury.

Lead Consultee

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Date: 26 May 2023

Comments;

Having considered the submitted details for the above application I have the following comments. Please note that on reviewing the application and noise assessment additional queries have arisen and we apologise for not requesting the additional information prior to these comments.

Noise:

The applicants have submitted a Sharps Acoustics Land at Tilekiln Green, Stansted Addendum note considering the effect of changes to site layout and noise screening, dated 7 March 23. It is said that the key difference is the area closest to eastern edge of the site (closest to the Old Elm) has been removed entirely from the design (Pg. 3. S2.1) . The report is said to consolidate all the submitted information (Pg. 3. S1.11)

The report has utilised previous noise monitoring data for the background and ambient noise at the site and noise sensitive receptors which was undertaken from 17 to 23 October 2019. The measurement positions were selected to be representative of the noise climate at residential receptor locations at The Old Elm, Brookside and Gerald Villa. Appendix A provides all details of the surveys with the location of the survey positions. It is noted that Brookside monitoring appears to be on the site itself adjacent to the existing pumping station which may not accurately reflect noise levels at Brookside, particularly to the rear of the property which is more shielded from the B1256 and there may also be a higher level on pumping station noise than Brookside experience.

In section 3.3 the report notes that the existing noise climate at Noise Sensitive Receptors (NSR) is relatively high with noise from the M11, Stansted airport and existing roads.

The report then models site activity noise and Section 4.1 says the modelling is based on the following noise sources;

- HGV and other vehicle movements on the access roads.
- HGV manoeuvring, loading and unloading in the open yards.
- Vehicular activity (not HGVs) in the car park area.

The report then uses SoundPLAN to model the noise impacts during the day and at night. The sound reduction afforded by the proposed noise mitigation in the form of a 2.4m acoustic fence is incorporated into the noise model. In section 4.5 a 3 dB character correction is added for loading/unloading as that is said to be just noticeable but there are no character corrections for tonal or impulsive noise. It is not clear from the report whether this 3 dB character correction related to intermittency or some other character feature. It may be appropriate to reassess the acoustic feature correction to ensure that it complies fully with the methodology in BS4142 because additional character corrections may be needed. For example, reversing beepers typically have a distinctive tone that attracts a listeners attention and no character correction appears to have been applied for tonal noise.

The predicted noise levels exceed the Uttlesford Noise Assessment Technical Guidance (NATG) criteria of a BS4142 rating level of 5dBA (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. From Appendix C data (pg 55),

- at Brookside this level is predicted to be exceeded at 0400 hrs, 0500 hrs and 0600 hrs.
- at Gerald Villa this level is predicted to be exceeded at 0500 hrs
- at The Old Elm this level is predicted to be exceeded at 0400 hrs and 0500 hrs
- at The Old Stables this level is predicted to be exceeded at 0400 hrs, 0500hrs and 0600 hrs
- Willow house is predicted to meet the NATG criteria.

Predicted noise levels are not given for Building E and New A1 and new A2 which appear to be the worse affected properties based on the predicted noise contours shown in figure D1 (day) and Figure D2 (night) and are also directly opposite the site entrance road where there will be a gap in the noise barrier for vehicles to enter and depart. I am not sure if the entrance gates to the site are intended to act as noise barriers but in any event they will be open to allow access and egress. Noise sensitive receptors Building E and new A1 in Figure D2 (nighttime site noise) both appear to be in the 45 to 50 dBA noise contour at First floor level, yet a figure of 39.5 dBA is shown on the SoundPLAN model for NSR E which is lower, presumably this is the predicted noise level at the north façade rather than the east façade of the property

which directly faces the site entrance. There is no justification given for why the north façade has been selected.

The report concludes that the development will bring about no adverse noise impacts at nearby properties. It says this conclusion is drawn using a robust set of assumptions in relation to site activity levels and including all noise sources. The assessment concludes that the development will be below Lowest Observed Adverse Effect Level (LOAEL) at all times which is described in the Noise Policy Statement for England (NPSE) as “noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly...”

However full details of the noise sources relied upon in the noise model that informs the BS4142 assessment are not provided within the report. There is a lack of detail regarding the description of each of the noise sources, hours of operation, mode of operation, and location. There is no information on how the source data used in the model was derived. Was it measured at the existing site? What plant and equipment were measured? How long was the noise source operating for? Is there any repair, cleaning, and maintenance of vehicles at the site? Will there be reversing beepers? In the car parking area has noise from car doors slamming, vehicle charging, and people noise been included? It is therefore not clear how the report author has obtained the noise rating levels stated. Section 12 of BS4142 clearly sets out the information to be reported in an assessment and the missing details should be provided.

The report has also not modelled noise impacts based upon LA max noise levels from any of the sources and it is not clear if the proposed noise mitigation will achieve appropriate internal LAmax noise levels at night at the existing properties (with windows open).

The report has considered the change in road traffic noise levels from the realignment of the road and the highest change in road noise was reported as an increase of 1 dB at The Old Elm at night which is considered minor adverse. The road noise modelling is shown in Appendix C (page 45 onwards). However, I note that there is some discussion of a possible condition ensuring that site traffic would not be allowed to turn right exiting the site or to travel to the site through the village. It is not clear whether the noise modelling has taken this possibility into account or if impacts might be greater than predicted for properties between the site and the roundabout.

I would recommend that the applicant is requested to provide further information to clarify the site noise source data used to generate the noise model and the information required in section 12 of BS4142 prior to the planning hearing. This information would assist greatly in verifying that the report is a robust and reliable assessment of the predicted noise impacts from the proposed development.

I would also suggest that the road traffic noise impacts from no right turn exit and no site traffic through the village (no left turn entrance) are also considered and modelled.

Finally, it would be helpful to calculate the noise impacts from the site during each hour period (and 15 min period at night) at receptors E and new A1 which appear to be on a higher noise contour for site noise and are not detailed in new Appendix C.

Once this additional information is received there should be much greater clarity about whether the site noise predictions are reasonable and there would be no significant noise impact from the development as the report concludes.

Based on the submitted information there is a high level of uncertainty as to whether the noise rating levels predicted are robust and reliable.

It may be that the applicant submitted some of this information in earlier documents that were not provided with this application and if so they should be resubmitted.

If the inspector is minded to grant the application, without the additional information requested, I would advise that the following conditions are attached. It should be noted that once permission is granted it may not be possible for these conditions to be complied with if the noise assessment has been based upon noise modelling from noise source data that is not representative of all the noise sources that will operate at the site.

1. Plant and operational noise

The rating level of noise at noise sensitive receptors emitted from cumulative vehicle, plant, equipment and operational noise shall not exceed the levels provided in Appendix C: Predicted noise levels (Table C1, C2, C3, C4 and C5, electronic pages 55 to 57) of the report prepared by Sharps Acoustics, titled: Land at Tilekiln Green, Stansted. Addendum note considering the effect of changes to site layout and noise screening, dated 7 March 2023.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

2. Post completion condition

Within 6 months of the site becoming operational, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, in accordance with BS4142 and a report submitted to and approved in writing by the Local Planning Authority. The report shall provide information on the measured (or calculated if measurement is not possible) sound emitted from the site at 1.0m from the facade of the following residential receptors: The Old Elm, Brookside, Gerald Villa, The Old Station, Willow House. The noise survey must include reference to measured background noise levels at monitoring locations

and times agreed by the Local Planning Authority. Where cumulative operational noise, and plant rated noise levels are found to be more than the minimum background noise levels, a detailed noise mitigation scheme shall be submitted to the Local Planning Authority for written approval. Any scheme of mitigation shall be implemented within 3 months of the date of written approval in full accordance with the approved details, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

3. Fencing specification & mitigation

Before the development hereby permitted is first brought into use, a scheme detailing all noise mitigation measures, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the acoustic fencing to include, design, location, mass, acoustic properties, lifespan, guarantee and maintenance requirements. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and maintained at all times thereafter.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Land contamination:

The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. The following condition is therefore, recommended.

1. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for 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

Reason

To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Air Quality.

The air quality assessment completed by Fichtner, 21 January 2022, reference S3349-0030-0001SMN and the addendum report 16 March 2023 shows that the impact of the development on air quality during the construction phase is negligible once appropriate mitigation measures are taken. The highest risk category for the proposed development is 'high risk', for dust soiling effects from trackout. Therefore, in accordance with IAQM guidance general mitigation measures should be applied at this risk rating for the site. These measures are included in Appendix C of the report. A Construction Environmental Management Plan (CEMP) condition is recommended in the Construction Noise and Dust section below.

The air quality assessment found that impacts to air quality during the operational phase will be negligible. Section 5 of UDC's Air Quality Technical Guidance requires that Type 1 mitigation measures listed in Guidance are appropriate for the Proposed Development. The following conditions are recommended.

1. Electric vehicle charging points (EVCP) shall be provided for 20% of the car parking spaces and passive provision shall be made available for the remaining 80% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points, and a specification for passive provision shall be submitted to and approved in writing by the local planning authority before the permitted development is first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the parking spaces being brought into use and thereafter retained permanently to serve the vehicles of site users, staff and visitors.

Reason: To protect local air quality and residential amenity of neighbouring occupiers of the development.

2. Development shall not commence until a travel pack, setting out public transport options, and promoting routes for cycling and walking, to be made available to staff and visitors, has been submitted to the Local Planning Authority and approved in writing. The approved travel pack shall be fully implemented and maintained thereafter.

Reason: To protect local air quality and residential amenity of neighbouring occupiers of the development.

Construction Noise & Dust

In view of the scale of the development as proposed, it is recommended that the following Construction Environmental Management Plan condition is attached to any consent granted to ensure that construction impacts on nearby residential occupiers are suitably controlled and mitigated:

1. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

External Lighting

In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spill over light, or glare.

The guidance used and criteria set out in the lighting strategy submitted with the application are acceptable. An Isolux contour map shows that lux levels will be below 1 lux at the nearest sensitive receptors. The light locations and specifications have been submitted. Subject to the development being progressed in line with these plans, there should be no significant adverse impact to nearby receptors caused by external lighting at the site.

The following condition is therefore recommended to secure this:

1. External lighting on the site, including the lighting unit, any supporting structure and mitigation measures shall be installed fully in accordance with the submitted Kelly Taylor and Associates External Lighting Strategy Report dated 12.10.21 Issue No. US/10398/LSR – 01 and Plans reference 10398 ext 01 and 02.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).