

Environmental Health Consultee Comments for Planning

Application Number: UTT/23/0902/PINS

PINS reference: S62A/2023/0016

PROPOSAL: Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.

LOCATION: Warish Hall Farm, Smiths Green Lane, Takeley, Essex

Lead Consultee

Name: J Mann

Title: Senior Environmental Health Officer

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Date: 12 June 2023

Comments;

Noise:

The developers have submitted a Stansted Environmental Services BS8233:2014 Environmental Noise Assessment, Project Reference: ENV01-TAKE-068b- (Jacks Lane, Takeley), Date & Version: 7 th September 2022 – Version 1.0.

The noise assessment included unattended monitoring in two locations identified in Figure 2, page 16 of the report from 1609 hrs on 6 April 21 to 2355 hrs on 10 April 21 and 15 minutes attended monitoring on Tuesday 6 April 21.

The dominant noise at the site is said to be road traffic noise with aircraft noise considered to be above the threshold of Lowest Observed Adverse Effect Level (LOAEL), but below the level of Significant Observed Adverse Effect Level (SOAEL) in accordance with the Noise Policy Statement for England (NPSE).

Noise mitigation measures are proposed for the development. Table 8 of page 20 gives the façade sound insulation performance required, table 9 specifies the assumed non glazed elements sound reduction that table 8 is based upon. Examples of the glazing elements and ventilation that would achieve the specified levels are given in table 10 on page 21. Amenity spaces are said to achieve BS8233 55dB LAeq16hour. It is therefore assumed that the good standard of 50 dB LAeq 16 hr is not achieved but no additional mitigation is proposed to improve noise levels in the amenity areas. The report refers to aircraft noise levels in relation to amenity areas but as noise

modelling outputs have not been provided it is unclear if road noise also contributes to noise levels in amenity areas and therefore acoustic barriers might reduce overall noise impacts on future residents.

However, the noise assessment does not consider noise impacts from Essex and Herts Shooting School, Parkers Farm, Smiths Green, Takeley, Bishops Stortford CM226NY which is located approximately 400m to the north east of the proposed development. The business website indicates that they are a skeet shooting range and also have 121 shooting lessons, group clay shooting lessons and parties. Opening hours are given as 9 am to 4pm, 7 days a week.

Noise from clay shooting can adversely impact residents a significant distance from the shooting location. The proposed development seeks to introduce 40 dwellings to this existing noise source. The NPPF states;

“187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

It is our view that the potential impacts of shooting noise on the proposed development should be fully assessed prior to determining the application and we have insufficient information to determine if noise conditions can achieve suitable noise levels at the proposed dwellings. Therefore, we wish to **object** to the application because we have insufficient information regarding noise impacts on future residents.

We would be willing to reconsider our position if additional information is submitted to address the above concerns.

Land contamination:

The applicants have submitted a Stansted Environmental Services Phase 1 Desk Study and Preliminary Risk Assessment dated 28 January 2021, version 1.

The desk study has identified the current use as a grassed open paddock, the nearest commercial premises was Takeley nurseries 100m Southeast of the site which is now residential.

Table 7 on page 19 of the report details the outline initial conceptual site model but all the potential pollutant linkages including on site agricultural activities such as metals use of herbicides and pesticides (and fertilisers,

burning/ burial of waste and other typical agricultural uses, more information can be found in the industry profile) are marked as not active with no justification given. There has been no intrusive investigation at the site (soil sampling etc) to support this conclusion and I would suggest that in addition to the intrusive sampling proposed for geohazard issues in section 9 of the report, a phase 2 investigation for land contamination should be undertaken to verify if the agricultural use of the land resulted in land contamination that may require remediation, to be suitable for the proposed residential use.

1. Land Contamination

The following works shall be conducted by competent persons and 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. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (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 proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted 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 submitted to and approved in writing by 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.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, 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.

D. 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, and where remediation is necessary a remediation scheme must be prepared 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.

E. Long Term Monitoring and Maintenance

If found to be necessary from the Phase 2 investigation and remediation scheme, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance

carried out must be produced and submitted to 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.

This service is satisfied with the submitted Air Quality Assessment by Aether dated 3 April 2023 which concludes that the development will not have a significant impact on local air quality. The report proposes dust mitigation measures in section 3.5 (which could be incorporated into a Construction Environmental Management Plan) and operational mitigations in Section 3.4 which should form part of this permission, if granted, including the provision of a travel plan and electric vehicle charging points.

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 any of the residential units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

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

2. Development shall not commence until a Travel Plan has been submitted to the Local Planning Authority and approved in writing. The approved Travel plan shall be fully implemented and maintained thereafter.

Reason: To protect local air quality and residential amenity of existing neighbouring and future 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:

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).