

Environmental Control and Protection - Planning Consultation Response

To: Planning Officer

From: Nick Buckley
Environmental Health Officer

Date: 20th April 2017

Planning Application Reference:	17/03417/OUT
Environmental Health Reference:	WK/201707789
Description of Proposal:	Outline Planning for the Erection of up to 1,000,000 sq ft of Class B8 (storage and distribution) Employment Space and Associated Infrastructure. Site Address: Land South-East of Junction
Address:	Kington Langley, Kington Langley, Wiltshire
Site Visited:	No
Amenity Including noise, lighting, odour, smoke.	Officer: Nick Buckley
<p>In terms of noise, there are some farms in very close proximity and a large residential area further away on the outer round about on M4, it may be likely this proposal will cause noise issues during the construction phase and I would suggest hours of construction are adhered to, in order to protect any nearby residents from excessive noise intrusion.</p> <p>There may also be issues of noise and vibration from ventilation systems, heating and refrigeration units, processes etc.</p> <p>Transport noise from reversal manoeuvres, refrigeration lorries and parked up.</p> <p>Lighting issues may arise if external lighting is not correctly positioned.</p>	
Air Quality	Officer: Nick Buckley/Steve Manning
See Conditions	

Contaminated Land	Officer: Nick Buckley/Steve Manning
See Conditions	
Other Matters Including drainage provision, food safety, health and safety, licensing.	Officer: Nick Buckley
n/a	
Recommendation:	
<p>Conditions (if appropriate)</p> <p>1) Noise</p> <p>No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.</p> <p>No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:</p> <ol style="list-style-type: none"> i. The movement of construction vehicles; ii. The cutting or other processing of building materials on site; iii. Wheel washing and vehicle wash down facilities; iv. The transportation and storage of waste and building materials; v. The recycling of waste materials (if any) vi. The loading and unloading of equipment and materials vii. The location and use of generators and temporary site accommodation viii. Pile driving (If it is to be within 200m of residential properties) <p>The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.</p> <p>No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from machines, processes and ventilation/heating units. The approved scheme shall be implemented in full before the development is occupied/use commences and maintained at all times thereafter.</p> <p>In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:</p> <p>BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at or below the background noise level / at least 5dB below the background noise level.)</p>	

BS8233: 2014 and demonstrate that the noise generated by the development will not cause an exceedence of the guideline noise levels contained in Section 7.7.

BS8233:2014 at any residential or other noise sensitive property near to the development. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

2) Atmospheric Emissions / Odours / Dust

It is noted that Atkins have submitted a desk based Preliminary Air Quality Appraisal and it does not take account of design specific details which may or may not be incorporated e.g. on-site heat or power generation. Dust impacts are also identified as a matter for a Construction Environment Management Plan.

Development pressures on Wiltshire Towns and air quality concerns in Wiltshire necessitate that an Air Quality Assessment (AQA) is undertaken for all major new development (based on developments of more than 10 residential dwellings and other criteria as specified within The Town and Country Planning (Development Management Procedure) (England) Order 2010). This site requires an AQA to be undertaken in accordance with current guidance and the Wiltshire Council requirements below:

- Use of ADMS where possible.
- Modelling must include impacts at all Wiltshire Council diffusion tube locations within locality of development (where present).
- Where Wiltshire Council air quality data is not available for the locality, a minimum of 3 months monitoring data must be collected.
- The AQA must consider the cumulative impact of other development in and around the development locality.
- The methodology must account for discrepancies in DEFRA's predictions for future reductions in NO₂ and be evidence based, not based on judgement for example AQC have developed the CURED approach which is evidenced through their supporting paper:
<http://www.agconsultants.co.uk/getattachment/Resources/Download-Reports/Emissions-of-Nitrogen-Oxides-from-Modern-Diesel-Vehicles-210116.pdf.aspx>
- Wiltshire Council is interested in the cumulative impact on the main thoroughfares in the vicinity of the development. Theoretical road receptor points are of interest where they are likely to form canyons where dispersal will be inhibited.
- Multiple point verification of models i.e. more than two points must be undertaken.
- The validity of all transportation data approaches and usage within both the Transportation Assessments and the AQA needs to be confirmed with Wiltshire Council Transportation Planners.
- AQ modelling model scenarios need to extend to 2026 when the councils current core policy runs to.

All the councils current AQ reports and monitoring data can be obtained via www.wiltshireairquality.org.uk

The preferred AQA outcome is one that would be beneficial in a minor way at least and not just neutral/negligible. This is because the desired scenario in terms of air quality and development is one that serves to help reduce potential air quality impacts locally. Our overriding concern here in Wiltshire is for the satisfaction of our adopted Core Policy , Air Quality Strategy, Air Quality Action Plan and draft SPD which work towards achieving contributions to the reduction of oxides nitrogen across the county irrespective of the existence of an AQA.

Positive contributions toward the improvement of air quality through new development may take the form of sustainable travel alternatives and infrastructure, driver training, photovoltaics, electric car charging points, tree planting and contributing to local air quality action groups.

Copies of our Core policy, Air Quality Strategy, SPD and Air Quality Action Plan are accessible at www.wiltshireairquality.org.uk

It is noted within the report that:

Further consideration of air quality for the proposed development, once operational, will be undertaken once traffic data for the proposed development has been reviewed. This will identify the need or otherwise for further assessment, the scope of which will be agreed with the local planning authority. The assessment, if required, will compare future estimates of air pollutant concentrations with AQS objectives, and will identify the need for mitigation.

however Wiltshire Council would wish to see an AQA undertaken prior to any use being considered.

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular: dust / odours / fumes / smoke / particulates has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

No materials shall be burnt on the development site during the demolition/construction phase of the development.

The development shall not be first brought into use/ occupied until a scheme for the mitigation of noise from air conditioning, refrigeration, ventilation, extraction and any other similar plant has been submitted in writing to the Local Planning Authority and approved in writing by them. The approved scheme shall be implemented to the satisfaction of the Local planning authority. The air conditioning, refrigeration, ventilation, extraction equipment and other similar equipment shall thereafter be maintained in accordance with the approved details. No changes to the air conditioning, refrigeration, ventilation and extraction equipment and flue(s) shall take place, and no other similar equipment shall be installed, without prior written approval from the Planning Authority.

3) Lighting

No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

3) Contaminated Land

It is noted within the submitted Atkins Preliminary Geoenvironmental Interpretive Report that in 8.5:

At this preliminary stage in the absence of any gas monitoring and considering the environmental setting, the gas risk is considered to be low. However, further ground investigation, including boreholes for ground gas and groundwater monitoring, will be required in order to fully quantify the gas regime for the site.

And that in 8.6:

On the basis of the observations and test results obtained from the ground investigation, soil and groundwater remediation works are unlikely to be required and the site is considered suitable for its proposed commercial end-use. However, Made Ground was encountered in one trial pit (TP102) in the northern section of the site and there is the potential for contaminated materials to be present within the Made Ground. Further ground investigation is recommended to define the extent of the Made Ground and to confirm that it does not contain any deleterious materials.

In view of the above a contaminated land condition is required in order to formalise submissions in relation to the above. The following condition is recommended:

No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully 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 step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) 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 submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- 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,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be 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, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) 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 should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: 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.

Core Policy 56:

Please contact the Environmental Control and Protection Officer should you wish to discuss these comments.