



To Peter Gittins Development Management	From Randip Singh Ark Principal Environmental Protection Officer
Your Ref 23/0106	My Ref 0106 PG

Date: 13 th April 23	Ext: 4384	Please ask for: Randip
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Application Number: **23/0106**
Site Address: **THE ALLENS CENTRE, HILTON ROAD, WILLENHALL, WV12
5XB**
Description: **OUTLINE: RESIDENTIAL DEVELOPMENT OF UP TO 59
DWELLINGS. (NEAR TO PROW NDA151).**

Air Quality

Applicant has provided an Air Quality report – ‘Air Quality Assessment’, by RSK Environmental Ltd., Ref. No: 444868-01 (02), 20th January 2023.

The assessment has considered the Walsall Council Interim Air Quality Targets and is predicting that air quality levels will be lower than the target levels. EP have no further requirements for air quality at this stage.

Contaminated Land

Applicant has provided two reports:

Geo-Environmental Desk Study Report, by Opus International Consultants (UK) Ltd, Reference: BM/J-B0984.00 (R01), February 2016.

Geo-Environmental Investigation Report, by Opus International Consultants (UK) Ltd, Reference: BM/J-B0984.00 (R01), February 2016.

The second report indicates that there are significant amounts of made ground, some containing asbestos, present on the site, there is at least one hotspot of elevated contamination that will require delineating and specific remediation. The report also indicates that the site is affected by elevated carbon dioxide levels.

The Applicant will need to agree a remediation method statement with the Local Planning Authority, implement the agreed remediation, and validate the remediation. A planning condition is being provided.

Construction Environmental Management Plan

Given the size of the proposed development the Applicant needs to agree and implement a construction management plan to control local environmental impacts. The plan needs to include a restriction on working hours.

It is noted that the intrusive investigation suggests that piling may be required for ground stability. If this is the case, then the Applicant will need to ensure that any vibration transmitted to nearby residential premises is monitored and reduced to levels that will ensure low probability of effects. Levels of structure-borne vibration transmitted to occupied buildings from any stabilisation/piling works should not exceed specified criteria for '*low probability of adverse comment*', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

Applicant will need to install electric vehicle charging points in accordance with Building Regulations Part S.

Text for committee report:

Applicant needs to agree a contaminated land and ground gas remediation statement and implement it. The Applicant will be required to agree a Construction Management Plan to control local environmental impacts.

CONDITION:

1. Construction Environmental Management Plan

- i) The applicant shall agree a Construction Environmental Management Plan for controlling noise, vibration, dust, and drag-out from the site in writing with the Local Planning Authority.
- ii) Levels of structure-borne vibration transmitted to occupied buildings from any stabilisation/piling works should not exceed specified criteria for '*low probability of adverse comment*', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.
- iii) All agreed measures shall be implemented and maintained throughout the duration of demolition, construction and engineering activities.
- iv) No demolition, engineering or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00; and 08.00 to 14.00 on Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason

To ensure safe development of the site, to protect human health and the environment.

2. Contaminated Land

- i) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority (see Note for Applicant CL2).
- ii) The remedial measures as set out in the 'Remediation Statement' shall be implemented in accordance with the agreed timetable.
- iii) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination is encountered, development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.
- iv) A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use (see Note for Applicant CL3).
- v) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.
- vi) Due to the need for gas mitigation measures and their continued protection, Permitted Development Rights shall be removed.

Reason

To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework.

Notes for Applicant – Contaminated Land

CL1
Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2
When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority. The validation report shall also contain a statement addressing the competency of the author(s).

Informative:

It is necessary to provide detailed information and specifications as to what ground mitigation and gas protection measures will be installed within the development, including the technical performance of any membrane proposed to be used in order to mitigate the risks of potential ground gas ingress as recommended in the publications listed below*.

Regarding ground gas, the council will accept standard details in accordance with the Building Research Establishment paper BR 414 and/or details from the manufacturer of mitigation measures and systems. It is strongly recommended that these are correctly drawn up onto working drawings and/or drawings for submission as part of planning and buildings regulations applications, for example by an architect, or structural engineer or specialist consultant, so that there can be no confusion or anomalies once work commences on site. Final details of any product(s) and measures, their suitability to address site specific conditions and method(s) of installation must be confirmed with the Building Regulation authority overseeing the development. Satisfactory design and installation should then be verified by the Building Regulation authority and/or by appropriate persons having suitable experience, qualifications and qualifications (a 'competent person').

In particular it is important to ensure that any post development alterations or adaptations to any structure do not impair or reduce the effectiveness of installed ground and gas protection measures and systems.

It is the responsibility of the developer to ensure that they comply with the requirements of Contaminated Land, Health & Safety, Waste Management, Environmental Damage and the Control of Asbestos Regulations. The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by the Local Planning Authority, lies with the owner/developer of the site.

* Publications (not exclusive and to include any successors thereof)

- British Standards BS 8485:2015+A1:2019, Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Construction Industry Research Association, CIRIA C665 – 2007, Assessing risks posed by hazardous ground gases to buildings
- Building Research Establishment/Environment Agency BR 414, Protective measures for housing on gas-contaminated land

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Randip Singh Ark
Principal Environmental Protection Officer

