

## Environmental Health & Planning Consultation – FOI Questionnaire

This request seeks factual information about how Environmental Health services engage with the planning process. Responses will be collated and reported in aggregate.

### Section 1 – Authority and Service Context

1. Name of Local Authority:

Dover District Council

2. Environmental Health service delivery model:

In-house

### Section 2 – Staffing and Resources (Planning Consultations)

3. Officers responding to planning consultations: (please add as many lines as needed)

Job title	Number of officers	Approx. % time on planning
Environmental Protection Team Leader	1	15
Senior Env Prot Officer	1	15
Environmental Protection Officer	1	15

4. Is there a named lead officer for planning consultations?

No

### Section 3 – Contaminated Land Arrangements

5. Is there a dedicated Contaminated Land officer?

No dedicated officer

6. Where does the Contaminated Land function primarily sit?

Environmental Health

7. Who responds to contaminated land planning consultations?

Job title	Team/Service	EH or Planning
As above x3 EP officers	Environmental Protection	EH
Contaminated Land Consultant (external)	External	Other

### Section 4 – Scope of Environmental Health Consultations

8. Topics consulted on (tick all that apply):

Noise & vibration

Odour

Air quality

Dust

Contaminated land

Ground gas

Light

Construction impacts

9. Are EH consultations:

Trigger-based - please state trigger criteria or attach relevant document to your response. **Planning lists scrutinised & response provided as necessary.**

At planning officer discretion

### Section 5 – Nature of Planning Responses

10. Types of advice provided (tick all that apply):

Advisory comments

Review of technical reports

Recommended conditions

Objections

11. Are standard/template planning conditions used?

Yes – please attach your standard planning conditions to your response

### Section 6 – Volumes and Timescales

12. Approximate number of planning consultations per year:

100–250

13. Are responses provided to a defined timescale?

Yes – what is the timescale or KPI (**21 days**)

### Section 7 – External Technical Input

14. Has external technical input been commissioned in the last 3 years?

Yes

15. Topic areas where external input has been used:

Contaminated land

Ground gas

Appeals

### **Section 8 – Training and Guidance**

16. Do officers receive planning-related training/CPD?

Yes

## Contaminated Land

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
  - (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,
    - Ground waters and surface waters,
    - Ecological systems,
    - Archaeological sites and ancient monuments; and
  - (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document *Model Procedures for the Management of Land Contamination (Contamination Report 11)*.

3. If investigation and risk assessment shows that remediation is necessary, 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 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall 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. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning

Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, pursuant to the National Planning Policy Framework.**

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2.

1. The Preliminary Geo-environmental Site Investigation Report (reference **Insert reference/date**) undertaken by **Insert Report authors** submitted with this application shows that remediation and further exploratory investigation, in the form of a (**eg. Mining Report and an Asbestos Survey (prior to demolition of buildings)**), is necessary. 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 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. This shall include any further remediation identified in the **eg. Mining and Asbestos Surveys** as well as the findings/recommendations contained in the report cited above.

The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall 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. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

2. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. Any material imported to the site shall be laboratory certified as suitable for use.

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, pursuant to the National Planning Policy Framework.**

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3.

Following discussions with the Environment Agency I understand that they are no longer insisting on requiring gas monitoring for this type of development. However, given that the site is within 250m of a gassing landfill site, I advise that a gas permeable membrane should be incorporated within the structure along with a ventilated sub-floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or adequate seals will have to be provided if the membrane has to be breached. Prior to the works commencing, details of the gas impermeable

membrane should be submitted to and approved by the LPA. Grounds :To ensure any migrating gas is adequately dealt with.

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4. If during the course of development, significant contamination is suspected or found, or significant contamination is caused, works shall cease and the Local Planning Authority shall be notified in writing immediately. Where required, a suitable risk assessment shall be carried out and where necessary any remedial action shall be carried out in accordance with an agreed process and within a timetable approved by the Local Planning Authority. The remediation measures shall be implemented as approved and completed prior to the recommencement of works.

Reason-To secure the safe development of the site in terms of human health and the wider environment, pursuant to NPPF.

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## Noise

1. Prior to the commencement of the development hereby permitted the developer shall submit to the Local Planning Authority, and have approved in writing, a scheme of sound insulation measures such that the reasonable internal unoccupied noise levels detailed in Table 5 of British Standard 8233:2014 are met. These levels are:

Living rooms during the day (0700-2300 hours) 40dB  $L_{Aeq(16hr)}$  ;

Bedrooms at night (2300-0700 hours) 35dB  $L_{Aeq(8hr)}$

Individual noise events in bedrooms shall not exceed 45dB  $L_{A(max)}$  measured with Fast Time Weighting. The details as approved shall be implemented prior to the first occupation of the dwellings and thereafter maintained.

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2. The design and installation of new items of fixed plant shall be such that, when operating, the cumulative noise level  $L_{aeq Tr}$  arising from the proposed plant, measure or predicted at 1 metre from the facade of the nearest noise sensitive premises, shall be a rating level 5dB (A) below the background noise level  $L_{af90 Tbg}$ .

### Notes:

The reference time interval  $T_r$  shall be 1 hour during the day (07.00 to 23.00 hours) and 5 minutes during the night (23.00 to 07.00 hours). The measurement and/or prediction of the noise should be carried out in line with BS 4142: 2014 and as such, may make use of measurements over a shorter period if appropriate.

For the background noise measurement, the reference time interval  $T_{bg}$  shall not be less than 15 minutes and the measurements made in accordance with BS 4142: 2014 at a time representative of the hours of operation of the plant. The "Fast" time weighting should be used. The measurements should be reported as façade noise levels. If it is not possible to measure at 1m from a façade, the measurement can be made at an equivalent free-field position with a +3dB correction added to calculate the equivalent façade level.

In the event that an assessment of the specific noise level at the nearest residential location is not practicable, the applicant, in agreement with the local planning authority, can define one or more reference measurement positions which should be relatively close to the item of plant. The noise level from the facade of the nearest noise sensitive premises can then be calculated on the basis of the measurement(s) at the reference location(s).

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3. Sound insulation between residential/residential premises is normally dealt with by the Council's Building Control Department under Approved Document E of the current Building Regulations. Approved Document E specifies minimum sound insulation

qualities of partitions between properties. As such the Environmental Protection Team would not comment on this.

However, there is no standard governing the sound insulation properties of partitions between residential/commercial properties. Commercial uses generally create more noise than residential premises. We would therefore require the sound insulation between commercial/residential to be of a higher standard than specified in Approved Document E. As a guide, we would expect the level of sound insulation provided by the wall partition to be in the order of  $R_w$  [1] 60dB. I would therefore recommend that the following additional conditions be placed on the application: -

Full particulars and details of a scheme for sound insulation between the commercial and residential parts of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details on measures to ensure that there are no flanking transmission paths for noise between the commercial and residential premises. The approved scheme shall be installed before commencement of the use hereby permitted and permanently retained thereafter.

**[1]  $R_w$  is the weighted sound reduction index: This is a weighted single figure descriptor of the sound insulation performance of a partition measured under laboratory conditions**

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4. Plant & machinery likely to be audible at the site boundary shall only be operated between the hours of (08:00) – (18:00) Monday – (Friday) (Saturday) (and between (08:00) – (13:00) on Saturdays) (and at no time whatsoever on Sundays and Bank Holidays).

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5. Deliveries by commercial vehicles shall only be made to or from the site between \* hours and \* hours Monday to Friday/Saturday and at no time on Sundays or bank or other public holidays without the prior agreement in writing of the Local Planning Authority.
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### **Chemical Storage (Fuel / Chemical storage bunding)**

Any facilities used for the storage of oils, fuels or chemicals (DELETE AS NECESSARY) shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tank. In the case of multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is greatest (DELETE IF NECESSARY). All filling points, vents, gauges, sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Where possible, associated pipework shall be located above ground and protected from accidental damage.

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### **Manure/Stables etc**

Before the development hereby permitted is commenced details of a manure bay, to be provided at least 30 metres from any residential building on adjacent land shall be submitted to the Local Planning Authority for their approval. The bay shall be provided before the development is first brought into use.

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## **Commercial Kitchens (extract systems)**

1. Details of any mechanical ventilation system that will be installed, including details of the predicted acoustic performance shall be submitted for approval by the LPA. No building works shall commence until such approval has been given by the LPA. Upon approval, the system shall be installed, maintained and operated so as to prevent the emission of odours, fumes, noise and vibration to neighbouring properties.

or

2. Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes, odours and noise (and incorporating active carbon filters where necessary) shall be submitted to the local planning authority for approval; after the system has been approved in writing by the authority, it shall be implemented to the authority's satisfaction before the development hereby approved first commences and shall thereafter be permanently maintained in efficient working order to the authority's satisfaction
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## **Air Quality**

Where a development is likely to affect air quality significantly, not only in terms of the air pollution it may cause directly, but also in terms of any increase in traffic that the development may generate, then the applicant must submit an air quality impact assessment. Applicants must bear in mind the following: 'In assessing how a development may affect air quality, local authorities should take account of the Air Quality Strategy objectives, the results of air quality reviews and assessments and the content of AQMA action plans. Where a development is likely to affect air quality significantly (i.e. where the air quality objectives are likely to be breached), then, provided the impact relates to the use and amenity of the land, the local planning authority may refuse the application or mitigate its effects by imposing conditions.'