

## ENVIRONMENTAL HEALTH CONSULTATION RESPONSE

**Location:** Portland Port, Castletown, Portland DT5 1PP

### Application Reference & Proposal:

WP/20/00692/DCC

Construction of an energy recovery facility with ancillary buildings and works including administrative facilities, gatehouse and weighbridge, parking and circulation areas, cable routes to ship berths and existing off-site electrical sub-station, with site access through Portland Port from Castletown

### Recommendation: (x in a box)

	No comment
	Comment
X	Recommend conditions and or modifications (set out below)
	Refusal (reasons set out below)

The councils Environmental Protection response includes consideration of the following factors

- Contaminated Land
- Waste (Specifically ash)
- Noise nuisance
- Light nuisance
- Construction Management Plan
- Air Quality, in the context of the local Air Quality Management Areas (AQMAs) & Particulate matter

## Contaminated Land

Dorset Council's Contaminated Land Consultant has formally reviewed the submitted Environmental Statement prepared for Powerful Portland Ltd by Terence O'Rourke Ltd dated Sept 2020, various associated documents, and later submissions concerning a regulation 25 request.

They advise the following conditions should be applied if the application is approved.

1. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority:
  - (a) a Phase One 'desk study' report documenting the entire history and character of the areas within the development curtilage (the site) relating to past contaminating activities and potentially affected environs, to include a preliminary risk assessment (PRA) prepared in accordance with best practice.
2. During an agreed phased development of the site the developer shall submit for the written approval of the Local Planning Authority:
  - (b) a series of invasive site investigation reports, determined and indicated as required within the agreed Phase One desk study, documenting the presence of contamination and associated ground conditions of the site, and incorporating a conceptual site model, developed from the initial PRA, of all potential contaminant linkages, detailing the identified sources, pathways and receptors and the basis of further risk assessment;
  - (c) detailed strategies relating to the development phases for remedial works and measures to be taken to avoid risk from contaminants/or gases during construction and following, when the site is developed;
  - (d) a detailed phasing scheme for the development and remedial works. The remediation strategies, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is completed. Any variations to the phasing scheme and associated remediation strategies shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.
  - (e) On completion of remediation works the developer shall provide written confirmation, to include verification and validation testing where appropriate, indicating that all works are completed in accordance with the agreed details.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2018.

3. In addition to the above, the following condition is required – The reporting of Unexpected Contamination Condition.

(f) In the event that previously unidentified contamination is found at any time when carrying out the approved development, this must be reported in writing immediately to the Local Planning Authority. Further investigation and risk assessment, conducted in accordance with recognised good practice, and a proposed remediation measure, if required, shall be submitted to the Local Planning Authority for consideration and approval. Following completion of measures identified in the approved remediation measure a verification report shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2018.

Informative: Waste Special precautions shall be taken with materials containing asbestos. The contractor shall comply with the Control of Asbestos at Work Regulations and consult with the Health and Safety Executive concerning precautions required when removing asbestos material. Asbestos removal MUST be carried out by Registered Contractors. Skips shall be covered when leaving the site. In order to avoid dust / mud deposits off-site, all vehicles shall be checked and if necessary deposits removed before leaving the site e.g. by the use of wheel-wash facility, or similar. Burning of materials is seen by Dorset Council as a last resort for the removal of waste. No bonfire on site shall produce dark smoke, or be of a nature that causes the Highway to be obscured. If contamination is encountered on site which has not previously been identified, works must cease and the relevant authority notified. No further development shall take place until investigation has been carried out in accordance with condition (f). The developer or their appointed contractors shall consult with the Environment Agency and the Council's Environmental Protection Team regarding proposed measures to prevent the contamination of water courses and aquifers.

## **Waste - Production of wastes**

### Incinerator Bottom Ash

Incinerator Bottom Ash is the recoverable waste created by the process. This can be recycled and subsequently, the operator may be holding this product on site until a reasonable quantity is removed by an authorised carrier. It is good practice for a condition to be applied to ensure that this product is adequately contained prior to removal. As with the products associated with the air emissions control residues – these will need to be transported by a specialist contractor for suitable disposal.

Other waste arising from the construction phase would be adequately controlled through the applicants Construction and Environment Management Plan. Waste will also be covered by the permit conditions.

## **Noise**

The Noise Impact Assessment dated August 2021 has been submitted in response to the Environment Agency's requirements to be in line with the assessment for Industrial and Commercial Sound. This would also fit with Environmental Protections comments, asking for consideration of the baseline survey to be reviewed once pandemic restrictions were lifted.

The methodology for the baseline sound survey is agreed and accepted. The report details that mitigation measures have been incorporated within the calculations and so, the Council would ask that these design features are conditioned as part of any planning decision which may be made (for example – profiled steel sheet cladding and louvres to the lower 6m of the walls).

The conclusion states that modelled predicted rating sound emissions do not exceed measured background levels at receptors. Therefore, the submitted noise assessment is accepted.

A condition is required so that the operation of the plant is monitored and demonstrated to be in line with the predicted levels of the Noise Impact Assessment.

1. Prior to the Plant hereby permitted becoming fully operational a scheme for the monitoring of noise emissions from the Plant in accordance with BS4142:2014+A1:2019 'Method for rating and assessing industrial and commercial sound' (or successor) shall be submitted to and approved in writing by the WPA / LPA. The scheme shall include the identification of sensitive receptor monitoring locations and monitoring periods, and how the operational noise criteria will be met at any sensitive receptor locations. The rating sound level from normal operation of the Plant hereby approved shall be measured in accordance with the approved scheme and shall not exceed representative

background sound levels at the relevant time of day (07:00 to 23:00) or night (23:01 to 06:59) by more than 5dB(A) at approved monitoring locations, unless otherwise agreed.

After the plant has been operation for approximately 3 months a further report is required to demonstrate it is operating within the agreed scheme.

2. Within three months of the Plant hereby permitted becoming fully operational, an Operational Noise Survey undertaken in accordance with the approved scheme shall be submitted to the WPA / LPA to demonstrate adherence to agreed noise limits.

## **Light**

The applicants have submitted a lighting statement. It does not detail the number, location, type and position of the lighting as the detailed design of the plant is not yet determined. However, it acknowledges that through good design, and mitigation where required, light spill beyond the boundary of the site will be minimised. Therefore, I would like to suggest the following condition

1. Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination on and off the site, and the controls to prevent the light impacting on the amenity of neighbouring residents. The submission should include including the siting, height, design and position of lighting. It should also detail how floodlights will be aligned so there is no direct line-of-sight to neighbouring residential premises. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect the amenity of the locality, in terms of light nuisance, especially for people living and nearby.

## **Construction Environmental Management Plan (CEMP)**

An outline CEMP has been provided by the applicant. Upon review it covers the areas of concern considered by Environmental Health.

A prior to commencement of development condition shall be submitted and approved in writing for a CEMP is required. The CEMP must detail how statutory nuisances are avoided during demolition and construction of the facility. For this purpose, the CEMP needs to include details on times of work, noise levels and limits, dust suppression, and Piling. It is expected that other statutory consultees will feed into a similar condition with their bespoke requirements.

## **Air Quality**

Any consideration relating to the stack height, potential emissions and control measures for gas and particulate emissions from the facility will not be addressed by Environmental Protection. This legislative responsibility lies with the Environment Agency, and will be addressed as part of their own planning considerations under the Environmental Permitting application process. Dorset Council's Environmental Protection team will make suitable representation on the Permit application as required.

Similarly, Environmental Protection cannot comment upon ecological matters.

Environmental Protection recognise the Air Quality Review of 25<sup>th</sup> May 2022 written by Tetrattech. This review looked at the relevant air quality documentation submitted with the planning application, and the representations made in objection to the application. After further submissions through regulation 25 requests, the information supplied is found to be robust, competent, and sufficient to determine that there is not expected to be a significant adverse impact as a result of the application. Environmental Protection support this report and have no objection.

## **AQMAs**

The Traffic and Transport Chapter describes the worst-case estimate for numbers of daily trips to the facility, when in operation. This figure is provided at 80 vehicle movements per day (in effect 40 2-way movements). AQ implications onto the AQMAs within Dorset Council area (declared for breach of the NO<sub>2</sub> Annual Mean Air Quality Objective) have been considered by the applicant. Dorchester AQMA would not be a route for waste carrying vehicles to use. Whereas for the Chideock AQMA there is an estimate that of the worst-case figures given, 8 of those would be through the village of Chideock. It is considered by Environmental Protection that these worst-case estimated additional movements would not make any change to the exceedances of the AQO within this AQMA, and the applicant's decision to scope out the potential impacts upon these AQMAs is accepted.

### Impact of NO<sub>2</sub> upon Boot Hill, Castletown, Ocean View and HMP The Verne

The ES addendum has addressed Environmental Protection's comments to consider additional receptors, to use more recent monitored air quality results within their modelling and to reconsider 'Boot Hill' as a street canyon.

Updated 2018 data has been applied, and data from 2019 & 2020 enabled further verification on the modelling methodology used. 2020, as we know is the exception and cannot be relied upon, however the use of 2018 & 2019 data is accepted, and outcomes are agreed with.

### PM<sub>2.5</sub> Clarification Response - January 2022

At the time of responding to this planning application, we are unsure of how the Environment Act 2021 will set out the PM<sub>2.5</sub> Air Quality Objectives. This new submitted information does provide sufficient information to demonstrate that the PM<sub>2.5</sub> contribution locally would be small. The applicant has provided actual comparable data from their Four Ashes ERF to demonstrate this. The data provided would have been provided to the Environment Agency as part of their statutory responsibility under the Environmental Permitting Regulations. The same requirement would be imposed upon the Portland Energy Recovery Facility should it be approved.

#### Particulate Matter and other emissions

It is noted that there does not seem to be any other significant source of particulate matter. The applicant describes the potential new shore-based power supply would reduce emissions of NO<sub>x</sub> SO<sub>2</sub> PM<sub>10</sub> and PM<sub>2.5</sub> as fuel oil will not be needed to be burnt when alongside.

The amount of PM emissions to the HMP The Verne are demonstrated to be trivial, it is accepted that the emissions permitted from the process are strictly controlled within the Environmental Permit.

Particulate matter arising from the transfer / carriage of the incinerator bottom ash is covered under 'waste'.

The Air Quality Impact of Operation of Emergency Diesel Generators (January 2022). This is agreed with and Environmental Protection would also like to add that the 1-hour mean Air Quality Objectives (or AQAL as referred to) apply only at locations where persons may be reasonably be expected to spend one hour or longer. Therefore there are no sites of relevant exposure.

Environmental Protection have some concerns that the reported annual vehicle movements might increase, and impact on air quality. If this is the case, mitigation must be provided (for instance: transporting RDF out of the area's known peak rush hours. Use of nearby waste transfer sites to hold RDF then moving in bulk, less times. Altering the fleet to electric)

If permission is granted Environmental Protection would ask for the following condition

1. The number of HGV vehicle movements to and from the plant be reported on annually. Should this number increase from the stated 80 vehicle movements a day, then a new air quality assessment must be provided. After consideration of this new assessment, if the additional vehicle movements adversely affect air quality, suitable mitigation measure should be agreed with the Council..

Reason: To minimise the impact on Air Quality on the AQMAs in Dorset.

Regards

Name: Darren Naraine  
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Date: 12 July 2022