

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/24/00214	Your Ref:	APP/23/01077
EH Case Officer Extn:	44 6677	Date:	04 October 2024
DC Case Officer:	Arleta Miszevska		
DC Case Officer Extn:	0 996		
Application Number:	APP/23/01077		
Site Address:	Recreation Ground, Hobby Close, Wecock, Waterlooville		
Proposed Development:	Land raising of the north end of the Recreation Ground using inert clean imported soil material.		

Observations / Comments:

I have reviewed the supporting information to this application, alongside the comments from consultees making comments on subjects relevant to drainage, pollution, contamination, environmental risk and material quality.

It is understood that this application is to provide a fresh consent for an expired, previously consented scheme for which several condition discharge applications were submitted, but for which no material comment was provided in respect of conditions imposed at the request of Environmental Health.

General

The aims, objectives, and expected public benefit of development outlined within the Design & Access Statement are supported, as are the aims of the Materials Management system; namely the diversion of material from landfill to beneficial re-use.

Documents registered against this application do not correspond to the titles referred to within 5.8 of the design & access statement, leading to some difficulty in matching the intended materials for import with the example material characterisation. In particular, it is not clear that all material included within the PSD document is intended for import – this is relevant insofar as the potential for retention/attenuation of-, and the potential to contain- contaminants. The class 2c stoney/cohesive PSD for example has a greater potential for contaminants to be present than would '20mm washed ballast'.

The proposed landform does not describe any engineered layering of different grades of material for drainage purposes. It is tentatively assumed that the imported material aim to comprise class 2c only, though I note that references to a slotted-pipe drainage network & lytag/hortag has been omitted, and that 1.3 of the design statement states that the 'landform itself becomes the drainage system', which would suggest that an engineered granular form may be envisaged.

Materials Management System, and Materials Management Plan

Both of these documents were submitted in support of discharge of c.3 to APP/20/00285, imposed for surety of the quality of deposited material, for the protection of both controlled waters and human health.

It is noted that the Materials Management System document submitted is an abridged version, and it is possible that some material detail has been lost in this process. As submitted, it would appear that in practice, it would be operationally difficult to implement the intended protections given the accepted waste codes, general site practices, the sampling rates employed, and practical space required for quarantining. This is demonstrated in particular by the TPH results from the example/representative product samples from 2018.

In this respect, I would broadly support the principles of the conditions & expectations expressed within the Environment Agency consultation response dated 13/02/2024, albeit that there may be room to consolidate & streamline the proposed wording, which does not strictly address the stated requirement/expectation that leachate testing be within scope of these conditions, which I will address below.

The Materials Management Plan (MMP) reads a little more like a Construction Management Statement / Construction Environmental Management Plan (CMS / CEMP), and I note that some of the requirements of the related conditions proposed by the Highways Authority & Environmental Health (nuisance and amenity) are covered by this document. The document does not provide any significant detail on the placement strategy which could allow the location of out-of-spec consignments to be located on site post-placement. In line with the comment above, while this should not in occur in-principle, in practice it could occur.

The submitted MMP meets most of the requirements of the previously imposed condition no. 3, save for part c), and potentially a), with specific reference to the omission of leachate sampling which the Environment Agency would prefer to see occur for surety in respect of controlled waters receptors.

Consultee Comments – Drainage

I note that the LLFA declined to comment on grounds of the scale of development falling below it's response policy, and in further informal comment, on the basis that there is no expected material change to the site runoff rate. It's focus was flood risk, and there was no mention of pollution potential / control.

I note that the drainage network will include both swale and an attenuation pond. Both are listed within CIRIA C753 SuDS Manual Ch. 26 as providing pollution attenuation services. Under the simple index approach, it would be expected to provide 0.75 / 0.85 / 0.9 (TSS / Metals / HC's). There is no specific pollutant loading expectation for the proposed landuse, but even accounting for material quality variation, it is not expected that the landform would exceed an index score (attenuation requirement) of more than 0.7 / 0.6 / 0.7. This provides some comfort for the aggregate impact of variable quality end-of-waste soils on receiving controlled waters.

This might be sufficient to negate the need to seek to secure leachate sampling as per the previously imposed condition 5, and as mentioned within the EA consultation response of February '24 (but not strictly required by the proposed condition wording).

Consultee Comments - Conditions

Both Environmental Health (EH) and the Highway Authority (HA) have requested a CEMP/CMS type condition. There is little overlap in the requirements of proposed wording,

save for commonality at point c). With respect to EH proposed condition point b) (operational hours) h) & (wheel wash), I note inconsistent information contained within the Design & Access statement and the Materials Management Plan.

The requirements of the EH & HA could be consolidated, however given the general lack of overlap, I see little detriment in imposing both. With respect to previous comments from the HA, I note the omission of requirements relating to wheel wash & road sweeping – previously cited as reasons to object to the discharge of c.9, it is unlikely that this is an intentional omission, and I would expect that it would be sensible to append a clause to the wording proposed by the HA (or in a consolidated condition) to cover this.

The Environment Agency (EA) comments include an informative note along the lines of the requirements of the previously imposed condition 5, under a 'prior to deposit' clause. The EA does not expressly seek to secure this by condition however. Both proposed conditions 1 & 2 include prior to placement clauses (importation/deposit, respectively), and so arguably the requirements of condition 1 have been demonstrated to have been met by the L&S Materials Management System (MMS) & Design & Access Statement submitted in support of this application, rendering the condition unnecessary.

The requirements of condition 2 could be met by the 'waste stream' sampling (as distinct from the 'deposit') described in the supporting documentation, but I'm not sure that either description meets what the EA would seek to sample, and as described above, while the MMS & MMP provisions suggest a robust quarantine and batching system that could meet this requirement, in practice it is unlikely to address the intention to sample the material actually imported (given sampling rates and process throughputs). Omission of the proposed conditions 1 & 2 could be justified if the APP/20/00285 condition 5 were re-imposed, but this would require a Materials Management provision of import>quarantine>sample>await results>place upon 'pass', and this may be impractical, or at least impose an onerous constraint on works.

As described above, in combination with the 'at source' sampling rates at 1/950T, the SuDS features provide some comfort on downstream controlled waters risks, and may provide justification for omission.

I am however interested in the quality of placed Material for human health purposes in addition to controlled waters risks (as per the reason for c.3 and c.4 to APP/20/00285), and I might suggest instead a condition requiring the collection and analysis of soils post-placement (but pre-covering with topsoil), at sampling rates that mirror the material supply verification (i.e., ca. 5 post placement samples). This would negate the need for a quarantine system, or detailed material placement records. Adverse results are not anticipated, but would be a contractual matter, given that it would represent a substantial failure under the provisions of the MMS.

Such sampling could be secured through the re-imposition of condition 4 of APP/20/00285 (only, with no need for c.3). Wording reproduced below for convenience (with reference to C.3 omitted, assuming that the MMP will be listed as an approved document);

"A Materials Management Plan (MMP) Verification Report shall be submitted to, and approved in writing by the Local Planning Authority prior to the bringing into use of any relevant part of the development hereby permitted. Verification reporting may take a spatially-phased approach, but must demonstrate that imported soils placed within the boundary of the relevant part of the development land accord with the standards required by the approved MMP.

Reason: To prevent placement soils containing concentrations of contaminants which pose a material risk to controlled waters (Source protection Zone 1, or Wallington North) or to human

health (future users of the site, especially children); in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework”

It may satisfy the EA to ensure that there is an expectation that this report include a limited number of leachate tests.

Conclusion;

No objections to the principal of development, subject to some form of condition to secure surety of ‘as placed’ material quality, in line with the principles of the EA response.

The condition wording from c.4 of the 2020 consent is suggested, but the EA may require a consolidated/amended version. It would be sensible to seek informal agreement that the MMP verification condition would be sufficient to address the EA’s requirements in lieu of imposing it’s suggested conditions.

Mr. Jonathan Driver
Environmental Control Officer