

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/02480	Your Ref:	APP/13/00804
EH Case Officer Extn:	6677	Date:	13 October 2023
DC Case Officer:	Ms Ikrame Essalih		
DC Case Officer Extn:			
Application Number:	APP/13/00804		
Site Address:	Woodcroft Farm Development Site, Woodcroft Lane, Waterloooville		
Proposed Development:	Development of 288 residential units comprising 9 x one bedroom, 110 x two bedroom, 124 x three bedroom and 45 x four bedroom, retention of existing farmhouse, new access road from Eagle Avenue, internal access roads, associated car parking, open space and landscaping and including works to trees under TPO 1931 (Approved 5 May 2015). Request to discharge condition 11 Part 3 Verification Reports (07/08/2023) [Verification of Remedial Works to Mitigate Contaminated Land Risks]		

Observations / Comments:

I have now found opportunity to review the submissions in connection with this application, together with the documents approved in connection with condition no. 11, part 2. Documents reviewed are listed below, for ease of reference. Please note that some of these documents (which are written as stand-alone documents) were submitted as appendices to other documents listed;

(New Documents)

- 12/02/2021; Statom 'Asbestos soils Excavate and Disposal' Ref: EW90_RAMs_008rev01
- 19/03/2021; Statom 'Validation Report – Removal of Asbestos Impacted Soils Area B & C' Ref: EW90_VR_A.B&Crev00
- 28/04/2021; Statom 'Validation Report – Removal of Asbestos Impacted Soils Area D' Ref: EW90_VR_A.Drev00
- 15/09/2021; GESL 'Verification Report for Plots 79-80' Ref: GE19455.VR.PLOTS 79-80.SEP21v1.0
- 14/12/2021; GESL 'Verification Report for Plots 100-107 & 119-112' Ref: GE19455.VR.PLOTS 100-107 & 119-122.DEC21v1.0
- 23/02/2022; GESL 'Verification Report for Plots 108-112' Ref: GE19455.VR.PLOTS 108-112.FEB22v1.0
- 12/04/2022; GESL 'Verification Report for Plots 123-126' Ref: GE19455.VR.PLOTS 123-126.MAR22v1.0
- 22/04/2022; GESL 'Verification Report for Plots 117-118 & 136-138' Ref: GE19455.VR.PLOTS 117-118 & 136-138.APR22v1.0
- 10/05/2022; GESL 'Verification Report for Plots 127-128' GE19455.VR.PLOTS 127-128.MAY22v1.0

- 31/05/2022; GESL '*Verification Report for Plots 129-135 & 141-144*' Ref: GE19455.VR.PLOTS 129-135 & 141-144.MAY22v1.0
- 19-10-2022; GESL '*Verification Report for Plots 145-148*' GE19455.VR.PLOTS 145-148.OCT22v1.0
- 10/02/2023; GESL '*Verification Report for Plots 161-165*' GE19455.VR.PLOTS 161-165.FEB23v1.0

(Reference Documents, previously reviewed)

- 28/08/2020; GESL '*Asbestos Management Plan*' Ref: GE18761-AMP-AUG20
- 22/12/2020; GESL '*Remediation Strategy & Verification Plan for the land at Chalk Pit (CP)*' Ref: GE16943-RSVP-CP-V6.0-DEC20
- 22/12/2020; GESL '*Remediation Strategy & Verification Plan for the land at Farmyard (FY)*' Ref: GE16943-RSVP-CP-V6.0-DEC20
- 11/02/2021; GESL '*Remediation Strategy & Verification Plan for the land at Horse Arena (HA)*' Ref: GE16943-RSVP-HA-V6.0-FEB21
- 11/02/2021; GESL '*Materials Management Plan*' GE18761/MMPv4.0/FEB21

Notwithstanding the considerable volume of evidence produced in connection with condition no. 11, the approach taken to reporting has hampered review insofar as there being no consistent summary of the remedial works required in specific areas of the site, on a plot-by-plot basis. Inconsistencies in proposals and the lack of a definitive summary mean that there is some ambiguity as to the approved remedial actions at some plots – specifically those numbered 75-78.

There also appear to be a handful of plots for which the approach taken to verification would lead us to expect to be included within a GESL verification report, but which are not subject of any of the submissions – this relates specifically to those plots numbered 100, 113-116, 139-140 & 289. As each report is a stand-alone document, lacking an overview of verification works against a clear summary of requirements, it is not clear whether reports exist that have not been submitted, whether there was a change to the approach to remedial actions at these plots, or whether a decision was taken to verify on a 'sample of plots' basis.

It is also noted that GESL refer to some remedial actions undertaken by 3rd parties (Statom) at times which post-date the asbestos removal works reported in Areas A-D (EW90 reports), and that the GESL reports are limited to verification of soft-landscaping, and do not directly address the measures of the approved RSVP's which concern the potable water supplies.

Given the above, it is necessary either to apply some judgement based upon what has been submitted, or to request further details in the interests of clarity. Given the content of the reports submitted, notwithstanding the uncertainties, I am minded to favour the former in considering the cover system in omitted plots. Below is a summary of the reported facts upon which it is considered reasonable to rely upon in extending conclusions to areas for which no specific report is available;

- Plots 75-78 were excluded from remediation requirements Farmyard Remediation Strategy & Verification Plan (RSVP) versions which post-date the Phase 2 Site Investigation which identifies these plots as requiring remediation. Notwithstanding that the exclusion was not specifically addressed in the text with reference to the empirical information from the factual report, the approved RSVP (v.6) does not require remediation of these plots.
- Plot 78 was nevertheless included within remediation area C, and removal of made soils at this plot is covered by Statom Report EW90_VR_A.B&Crev00. Plot 289 also falls within Area C and is covered by the same report.
- Plot No's 139 & 140 were included within remediation area D, and removal of made soils

at this plot is therefore covered by Statom Report EW90_VR_Drev00.

- The submitted reports demonstrate diligent execution of the respective RSVP's at plot no's 79-80, 101-112, 117-138 & 141-165. Whilst the cover system is in principle required at the omitted plots (100, 113-116, 139-140 & 289) unless made soils were completely removed by the site strip; the Council does not normally require a 100% plot verification rate, and would ordinarily accept demonstration of compliance with a remedial strategy on a 'sample of plots' basis. The applicant has demonstrated compliance on the basis of >80% plots included within the RSVP (without failure), and so it is reasonable for the Council to assume that the verified plots are representative for the purposes of discharging c.11.
- The above point carries less risk than it might have done under the approved Materials Management Plan (MMP), as the site works have pursued a strategy of removing excavated made soils for transport to a regional soil treatment & recycling centre, rather than re-using soils on site beneath clean cover in elevated landscaped areas (as previously proposed). This substantially reduces the risk of contaminated made soils being placed either 'clean side' of the cover system, or in areas of the site which don't benefit from clean cover.
- The demonstrated treatment of excavated made soils (Statom Reports) also lends confidence in accepting the lack of any site diaries documenting materials movements within the wider development red-line area, which might otherwise represent a risk of unacceptable exposures arising in garden soils in uncontaminated areas of the site.
- Notwithstanding that site-won soils had previously been demonstrated to be suitable for use, GESL took a significant number of verification samples from 'as placed' soils, comprising a selection of both topsoil & sub-soil samples. These samples show that representative concentrations of contaminants did not give rise to unacceptable human exposures.
- The cover systems have been shown to have reached or exceeded the target depth in probably >90% of locations, with only minor shortfalls where noted, likely to be mitigated or completely overcome by the placement of turf (not completed at the time of reporting)
- Soils placed appear to be substantially clear of anthropogenic inclusions.

Given the information received to date (points above), it is reasonable to rely upon the general duty & liability statement encompassed by NPPF 2021 para 184, and not to require that 100, 113-116, 139-140 & 289 be specifically covered within a formalised verification report.

Potable supplies

I note that the depth of validated cover material is insufficient to accommodate NHBC recommended installation depth for potable supplies (750mm), and that the site photographs suggest that potable supplies have likely been placed below the cover system (within made soils, where present).

Given the provisions of the RSVP, it must be assumed that the cover system is necessary where installed (i.e., that made soils have not been completely removed in plot no's 79-80, 100-165 & 289). Similarly, given the content of the Statom reports, it cannot be assumed that the works included soil removal to the full proposed depth of 1000mm; the works were focussed upon asbestos removal, were guided & verified by visual inspection, and final reduced levels achieved were not specifically confirmed within the report.

Given the above, and considering the requirement outlined at 4.4 of the respective RSVP's, it is necessary either to apply some judgement based upon what has been submitted, or to request further details in the interests of clarity. Notwithstanding that none of the verification documents address water supplies, I am aware that this is a space where there is conflicting guidance, and differing interpretations are possible. It is reasonable for the Council to screen soil results

against guideline values to inform a view as to whether it is necessary to require evidence in respect of this aspect of the approved remedial strategies.

Below is a summary of the reported facts upon which it is considered reasonable to rely in taking a decision;

- In contrast to WRAS 9-04-03 2002 guidance, UKWIR 2011 & UKWater 2014 guidance omit PAH parameters from materials selection criteria.
- This notwithstanding, WRAS 2002 uses a threshold of 50 mg/kg, which is not exceeded in the summary statistics given within the approved RSVP's, suggesting that PAH concentrations are unlikely to be material to pipe material selection even under conservative interpretations of risk.
- BTEX & MTBE marginally exceed the selection criteria for (standard) PE pipes at the maximum level recorded, however, it is noted that this concentration is not typical, within the overwhelming majority of results falling below the laboratory limit of detection, such that representative averages would fall well below the selection criteria.
- Phenols are universally below the laboratory limit of detection (<LOD)
- VOCs' have not been included within sample suites to date, but desk based information sources give no reason to expect presence in significant aggregations
- TPH-CWG banded results show that the hydrocarbon present are generally in the heavier fractions (kerosine/diesel fuel & lubrication oils ranges), generally >C21. Plastic pipework is less sensitive to hydrocarbons in these ranges. With reference to results listed within the respective RSVP's, it is noted that TPH <C10 (ali + aro) values exceed the screening levels given within the UKWIR & UKWater guidance documents in just one sample result. That result is less than the screening value given in WRAS 2002, and is from a shallow sample which is not representative of made soils at recommended service pipe installation depths. The relatively uncommon nature of the elevated <C10 fractions is considered to support a conclusion that TPH concentrations are not a material concern with respect to exposures via potable supplies.
- The risk assessment provided within the 2017 Phase 2 Geo-Environmental Report assigns a 'consequence' rating of 'mild' to exposures via potable supplies.
- Hydrocarbons are detectable by both taste and odour at low concentrations, and are unlikely to significantly impact health at concentrations which go unnoticed by occupants.

Given that screening values are generally met in soil samples from made soils in the installation depth, and are biased toward <LOD in the light fractions - the risk that higher concentrations may exist in unsampled soils is considered sufficiently low as to protect health, and certainly sufficiently low as to make it unlikely that land could meet the statutory description of 'contaminated land' as a result of exposures via this single pathway.

After careful consideration, it is considered reasonable on the basis of information previously submitted to accept a nil submission in respect of this aspect of the approved RSVP's.

Conclusion

It is considered reasonable on the basis of the above listed documents, considered wholistically, to conclude that the remedial and risk mitigation objectives have been met, and that the relevant plots are suitable for residential occupation.

Discharge of c.11 part 3 is supported for all outstanding regions of the development land.

Jonathan Driver
Environmental Control Officer