

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/03953	Your Ref:	APP/13/00804
EH Case Officer Extn:	44 6677	Date:	14 January 2021
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
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 partially Discharge Condition 11 (30.11.2020)		

Observations / Comments:

I have now had opportunity to review the supporting information in respect of this application. Given the volume of relevant information submitted, it may be helpful to confirm the documentation reviewed, and the scope of the review;

- **GE16943-RSVP-FY-V5.0-AUG20** – reviewed for material amendments relative to previous version(s) reviewed (v.2.0 & v4.0)
- **GE16943-RSVP-CP-V5.0-AUG20** – reviewed in full, not previously submitted, or Environmental Health not previously consulted on report content.
- **GE16943-RSVP-HA-V4.0-AUG20** – reviewed in full, not previously submitted, or Environmental Health not previously consulted on report content. Note; version control sheet indicates that the submitted is v.5.0, document reference remains v.4.0, and MMP / AMP refer to this document as v.4.0.
- **GE18761-AMP-AUG20-V1.0** – reviewed in full
- **GE18761-MMP-NOV20-V2.0** – reviewed in full

Details relate to phase 2B & phase 3 of development ('residential phase' 1B & 2), representing the balance of development consented under base consent APP/13/00804.

I have already provided a brief update to Vistry Southern by email, outlining the principle material issues identified following a review of the above documentation

General

The revisions to site investigations reflect changes to the proposed reduced dig / placement volumes – planning may wish to confirm with the applicant whether any changes to proposed finished ground levels (and related building ridge heights etc.) arise that are material to the

planning consent(/s) being implemented.

**GE16943-RSVP-HA-V4.0-AUG20 (REMEDIATION STRATEGY & VERIFICATION PLAN
for the land at HORSE ARENA (HA), WOODCROFT FARM)**

The CLEA Risk assessment presented includes results from the wider site investigation. It is not specifically stated which samples are included / excluded from the assessment, but it is likely that 'chalk pit & landfill' 'and 'farmyard' areas are excluded (i.e. it is assumed that the dataset comprises the former horse arena ('HA') and all other areas of the wider development site).

Both Arsenic (As) and Beryllium (Be) have been shown to exceed their respective generic assessment criteria (GAC) across this wider dataset, with outliers present at the former HA. In the case of Be, all statistical outliers were associated with the HA area. I have not established whether the same is the case for As.

Alternative statistical assessments (based upon different sample population groupings) are not presented to justify the conclusion that the HA area is the only area affected. I would normally expect the assessment to show;

- a) That the estimated 'true' mean concentration (μ) is less than the GAC (critical concentration, or C_c); i.e. $\mu < C_c$, with outliers removed from the dataset, and;
- b) That the outliers are grouped / associated and may be segregated into a different conceptual sample population for separate consideration

The report does not present such an assessment, but is nevertheless written with an implicit assumption that such an assessment has been undertaken, that the assessment showed that all outliers are associated with the HA area, and that $\mu < C_c$ for a dataset that excludes the results from the HA area. I have not undertaken a statistical check to confirm whether or not this is the case, as this is certainly true for Be, and the statistics are not critical to my principle point of concern.

Outliers for both As & Be exist within the HA area within natural soils. The site conceptual model assumes *"that the most likely cause of the impacted natural soil within the horse arena would be from the imported sand dressing utilised as a cover in this area. Through the use of the area as a horse arena and the disturbance of the cover this may have resulted in a mixing, albeit minimal, of the imported materials with underlying natural soils."*

The assumption of migration by minimal physical mixing (though use) is inconsistent with outliers being identified in natural soils at depths of 0.8m. The results imply much more significant vertical migration, whether by percolation (dissolution / physical) or via bioturbation.

It is also relevant to highlight that the above-quoted conceptual model assumes that the 'top-dressing' to natural superficial geology is the contaminant source, and that vertical migration has occurred through all intermediate soils, to the depth where contaminants have been identified in shallow geology (i.e. vertical migration via topsoil).

Nevertheless, section 2.4 2) indicates that *'The Topsoil within [the HA] area has not been identified as being impacted by contaminants, so would be suitable for re-use within private gardens and areas of soft landscaping'* (my emphasis). This conclusion is based upon 2 no. samples, and no consideration is given to the incompatibility of those results / this conclusion with the conceptual site model presented. Given;

- The statement at 2.4 2),
- The limited evidence on which it is based, and
- The assumed conceptual model –

There is a risk that significantly contaminated topsoil is relocated from the HA area and placed

on the clean side of a cover system elsewhere on the site. This would place material with concentrations of contaminants above their respective GAC's within the exposure zone (0-300mm depth) in a contamination sensitive area (e.g. private rear garden area). This would represent a very small relevant averaging area, and risks individual plots being capable of being determined to be contaminated land (in the statutory sense) after development. This would be contrary to both local & national policy, and would defeat the purpose of the planning condition.

For this reason, I would expect topsoils from this area of the site to be regarded as contaminated unless post-excavation verification sampling shows the material to be suitable for use. Sufficient samples to support a stand-alone statistical assessment would be required (to demonstrate concentrations to be <GAC), and even where this proves to be the case, it would tend to indicate that the site conceptual model underpinning the design of risk mitigation works is not likely to reflect the true source & migration model. This in turn would undermine confidence in the risk assessment and decisions taken on the basis of that assessment – e.g. cover design, and the spatial extent over which a cover system should be implemented.

I also note that the example cover system shown at section 3.2 shows no separation layer between clean cover material and natural soils, and assumes that the formation level is uncontaminated (text at 3.2). With reference to the depth of identified outliers, it is unclear as to why it may be assumed that the formation level within the HA area is uncontaminated.

Given this, it is considered that the cover specification should either;

- assume that the formation level is contaminated, and provide a physical barrier & deter-to-dig marker layer or
- demonstrate that the GAV is not exceeded within the CLEA relevant zone (0-1.0m below finished ground levels)

To proceed under the assumption proposed risks the same policy conflict as described above, through long-term bioturbation & plant uptake.

I would anticipate the fundamental spatial grouping (i.e. HA area being distinct from the wider site) proving broadly correct, and I note that a precautionary approach has been taken to the plot inclusion of plots within the remedial & risk mitigation method statement for the HA area. I am reasonably comfortable with a precautionary approach being taken to the uncertainty with the conceptual model, and would accept upgrading of the cover system & preclusion of use of topsoil from the HA area above cover systems without specific verification as an alternative to further empirical justifications (if preferred by the applicant).

I am however unable to support the proposed remedial strategy for this area in its current form. Please note, that affects the phase 3 area only. The above would not raise any objection to a spatially defined discharge of condition 11 pt. 1 & 2 for the Phase 2B area.

GE18761-AMP-AUG20-V1.0 (ASBESTOS MANAGEMENT PLAN for the land at WOODCROFT FARM PHASES 2B & 3)

I have some reservations about the options selected within the CAR decision tool presented at Appendix A of the AMP, and there is a lack of clarity over the origin of the quoted maximum asbestos quantification result. This notwithstanding, the risk reduction provisions at section 6.0 provide some comfort in the representation of risks within the decision support tool, and the consequential omission of RPE from the list of control measures. Specifically, personal exposure monitoring and 'reassurance' air testing provide the opportunity to monitor the contaminant within the vector medium, and indicate that this risk will be appropriately kept under active review.

Risks are primarily to construction staff, and with reference to para. 183 of the NPPF, it is probably more appropriate to rely upon the HSE as regulator of the Control of Asbestos

Regulations 2012, than it is to treat this as a material planning matter. Residual risks arising from the placement of soils containing asbestos are addressed via the remedial method statements included within the reports listed at the head of this consultation response, relating to the appropriate use of land, and hence being material planning matters.

I raise no objection to the acceptance of the AMP.

GE18761-MMP-NOV20-V2.0 - MATERIALS MANAGEMENT PLAN (MMP) for the land at WOODCROFT FARM PHASES 2B & 3

The Materials Management plan is dependent upon the content of the documents listed. The issues described above in relation to GE16943-RSVP-HA-V4.0-AUG20 are material to the acceptance of the MMP; and will require a response from the applicant (to address the specific & limited objection).

Otherwise, I have no objections to the content of the MMP, and it may be accepted following clarification on the remedial strategy relating to the HA area.

As above, I have no objection to a spatially defined discharge (relating to the phase 2B area) while the applicant considers the appropriate response to the objections raised above in respect of the HA area.

Mr. Jonathan Driver
Environmental Control Officer