

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/00292	Your Ref:	APP/18/01107
EH Case Officer Extn:	44 6677	Date:	28 February 2020
DC Case Officer:	Miss S Haigh		
DC Case Officer Extn:			
Application Number:	APP/18/01107		
Site Address:	Out Buildings, 97 Lovedean Lane, Waterloo, PO8 9RN		
Proposed Development:	Erection of 3No. 4 bed dwellings including parking and landscaping (approved 22.3.19). Request to Discharge Condition No. 6 (recd 9.7.19). Request to Discharge Condition 3, 15 and 18 (26.09.19). Request to Discharge Condition 16 (19.11.19). Request to Discharge Condition 17 (28.1.2020)		

Observations / Comments:

I have reviewed the submitted REC Phase 2 Geo-Environmental Assessment Report Ref 1CO108540/P2/R1 (Jan 2020), alongside the preceding reports (listed below), and internal records of communications between Environmental Health, the site owner(s), planning agent, and with representatives of Resource Environmental Consultants Ltd. (REC).

- 1) Omnia Environmental Consulting (OEC) Phase I-II Geo-Environmental Site Assessment Ref: A10965/1.0 Draft (July 2018)
- 2) OEC Supplementary Report Ref: A10965/19092018/L1 (may also be referred to as A10965/181112/L1, ref of submission cover letter) (Nov 2018)
- 3) OEC Remedial Method Statement Ref: A10965/2.0 (Oct 2019)
- 4) OEC Environmental Assessment Report (Letter Report) Ref: A10965/191025/L1 (Oct 2019)

It is apparent that not all of the above referenced documents were made available to REC prior to scoping (or undertaking & reporting on-) the latest phase of fieldwork, and the report indicates that the laboratory results were missing from some of the reports that were made available (e.g. A10965/19092018/L1).

Most notably, REC has not referenced the OEC A10965/191025/L1 (Oct 2019). This report provided the basis for objections raised, and the underlying context for discussions held with the applicant / agent / consultants prior to the latest fieldwork, and its absence from the site history against which REC were designing the latest fieldwork has likely been pivotal to the outcome of this application.

Conclusions Arising from a Review of Available Documentation

The REC report has provided sufficient data to show that the apparent risks indicated by results from the OEC investigations are indeed likely to be acceptable risks when considered against the exposure averaging area. I have re-calculated the applicable metrics to include data not made available to REC, and the conclusion remains appropriate.

I can therefore agree with REC that the characterisation of the shallow made ground allows us to dismiss the need for a clean cover system in the private garden areas (and within the root protection areas of the TPO protected trees).

The REC report does however identify elevated levels of PAH within Head Deposits, which is consistent with the OEC reports and is indicative that (whilst concentrations may be relatively low, relative to direct exposure pathways for future occupants-) the PAH is both mobile and is migrating vertically. Drinking Water & Environmental Quality standards are at very low concentrations for these contaminants, and the latest REC report has not provided any additional information with respect to leachability from the made soils.

It is considered that *there remains a need to either further quantify or to mitigate the risk to controlled waters*, as a result of the following significant factors;

- PAH congeners are present within natural strata, comprising both Head deposits, and Chalk (thought to penetrate at least 500mm of the strata thickness*)
- PAH congeners present are capable of leaching at concentrations in excess of the respective drinking and environmental quality standards from these natural strata (this is also the case from the body of waste soils within the chalk pit)
- The chalk pit is present within a groundwater source protection zone 1 (for the protection of Havant and Bedhampton Springs public potable supply), and
- The area is a Karstic zone where a network of solution features may result in rapid vertical transferral of contaminants through the unsaturated (vadose) zone of the aquifer, reaching the groundwater surface quickly via percolation, and then may migrate at rates of several kilometres / day with groundwater within the network of dissolution pipes, open fissures and cavities. Surface expressions of subsurface solution features (karst) are known at around 500m West of the site, and it is unknown whether the chalk pit on site is a worked doline ('sink-hole' / 'swallow hole'), this does sometimes occur.

* - this may be an artefact of sampling method, and could be refuted by further investigative work

It is worth noting that in the event that an application was sought in this area for filling a disused chalk pit with waste soils including construction & demolition wastes, ash, clinker, glass & metal - it would likely result in a substantial objection from Portsmouth Water Company and the Environment Agency (and possibly HCC Minerals & Waste).

In this sense the issue is not trivial, and is material to consideration of c.6, made under policy DM10, DM17 & para.178 of the NPPF. The REC report has therefore materially changed the conceptual model for the site in a positive sense, but had insufficient scope to justify discharge of c.6 for all of the reasons for which it was imposed.

Recommendations

There is insufficient information to permit discharge of c.6 at this time, and *I would recommend that the Council refuse the present application (subject to comments below in respect of extension)*.

I have considered the possibility of the spatially defined partial discharge, but note that the entire footprint of the building at plot 3m and around 30% of the building at plot 2 overlie the deposits which remain of concern. Given the topography of the site, the need to respect the root protection areas of the TPO's, and the need for a site compound / materials storage upon commencement - I cannot see that it would be practical to make a meaningful commencement of construction at the site without prejudicing further assessment or mitigation work. For these reasons, I would not recommend the taking of this approach.

As regards a scope of further site assessment works, there remains a need to characterise made soils broadly in line with the prior discussions held with REC.

Mapping indicates that at least two distinct phases of fill have / had occurred within the pit, and the WS103 logs from the OEC report confirms made soils of differing character within the depth profile.

The REC report has characterised the 'shallow' made soils (<1.0m depth from existing ground levels) are not likely to be a significant risk to human health via direct exposure (contact, ingestion / inhalation, track-in and with vegetable uptake), but has not necessarily. It is not possible to conclude that no significant 'leach' risk exists from shallow made soils, though it is accepted that inferences could be made from extant data (e.g. soil concentration / leachable fraction ratio from OEC data, applied to all shallow made soil).

The REC report does not offer new data in relation to 'deeper' made soil, or to the depth of impact (extent of vertical migration) within natural strata.

There is a need to attain a conclusive characterisation of risk to allow this site to move forward - this could be achieved though precautionary mitigation & validation (remove risk), but this approach would either need to address the distinction between the leach risk of shallow and deeper soils. Alternatively;

- Further assessment of risk would allow a decisive characterisation which would determine the appropriate action (i.e. treatment or removal necessary, acceptable to leave in situ, or control infiltration), This could take the form of an assessment of the existing available data, or it could involve further fieldwork - for example, installation of one or two boreholes to >5.0m depth to characterise the PAH content of- and leachability of PAH from- natural soils encountered. The former is considered less likely to prove fruitful - but I will accept any robustly made argument put forward. (or)
- Second opinion(s) could be sought from relevant technical consultees, e.g. the Environment Agency Groundwater & Contaminated Land team (EA), Portsmouth Water Company (PWC), &/or Hampshire County Council Minerals & Waste (HCC). The text above outlines my interpretation of the available results - but ultimately the relevant receptor is a controlled water and a public water supply protection issue. In this sense, I would be happy to defer to the opinion of either the EA or PWC. It may be prudent if consulting HCC to frame the question in terms of whether they would object to the placement within a former chalk pit of material of the character demonstrated by the available sample results.

The latter option is available to the LPA under an agreement of extension to the present application, which could be adopted in favour of a refusal.

I understand that the applicant is under significant financial pressure to commence construction at the earliest possible time, and so it is assumed that agreement of an extension is likely to be favoured to avoid any undue delay associated with the statutory response period for a new application.

As before, I am happy to look over any proposed scope of works (for further fieldwork, or for further desk-based assessment) and to provide advice on the perceived likelihood of resolving the key outstanding issues.

If the Planning service wish to discuss the potential ways forward with this application that it could pursue unilaterally (e.g. spatially restricted commencement, or broader consultation under an extension of determination period), I would be happy to oblige.

Mr. Jonathan Driver
Environmental Control Officer