

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01480	Your Ref:	APP/13/00804
EH Case Officer Extn:	44 6677	Date:	20 August 2019
DC Case Officer:	Gill Glover		
DC Case Officer Extn:	6534		
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 No/s 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17 & 18 (Residential Phase 2) (06.06.2019). RECONSULTATION REQUEST for revised plans and/or documents received [Conditions 11 & 12, Contamination]		

Observations / Comments:

I have reviewed the Geo-Environmental Services Ltd. ("GESL") Remediation Strategy & Verification Plan Reference GE16943-RSVP-FY-OCT18. This document also comprises a limited (investigation) Phase 2C site investigation, presenting the results from some additional trial holes and chemical sampling.

Condition 12 - Protocol for unforeseen ground condition

The discovery strategy described at section 6.0 is considered to be appropriate, and is consequently agreed. *Discharge of c.12 is therefore supported in relation to development Phase 2B (Residential phase 1B).*

For clarity, this phasing reference has nothing to do with the investigation phasing references (e.g. 2C above) which are generic and do not relate spatially to this development site.

Condition 11 - Further Investigation, Risk Assessment, Remediation Method & Verification Reporting

The application to discharge this condition was always for a partial discharge in respect of c.11 parts 1 & 2, as the condition wording includes submission of a verification report which must follow completion of an agreed remediation method statement, and would typically follow completion (or near completion) of the construction phase.

In this case, the discharge is also spatially limited to a specific spatial zone - referring to 2740-C1007-G, identified as Phase 2B. The recently submitted documentation refers to the Farmyard area only.

Comments here refer largely to the GE16943-RSVP-FY-OCT18 document, as this document comprises the remedial strategy, which has been developed to *'reflect the findings from all phases of the assessments undertaken on this site'*

The remedial strategy proposes a general site strip to a depth of a minimum of 1.0m depth, comprising around 7200 cu.m material. This is proposed predominantly to address a risk from asbestos containing materials ("ACM"), and it is clear from the report (section 5.1) that it is intended to re-use all of this material on site in locations where there is no active pollutant linkage (beneath buildings and hard-standing).

Further localised source removal is proposed, though I am unclear on how these areas should be identified, characterised or delimited. Clean cover systems are proposed of an equivalent depth to the soil strip in all garden areas, with a reduced, but adequate standard deployed elsewhere contingent upon the nature of the underlying material and the landscaping use-classification.

Some exceedances of human health screening criteria have also been identified for Arsenic, Beryllium and Dibenz(a,h)Anthracene, alongside some marginal individual sample exceedances of Benzo(b)Fluoranthene, and Benzo(a)Pyrene). The above-described remediation scheme (to mitigation Asbestos exposures) will be more than adequate to address any chemical exceedances associated with general character of made soils, which the report considers essentially as a homogenous unit. This somewhat supersedes any concerns that I might raise with respect to the presently rather opaque rationale for using site-specific screening criteria over generic criteria generated for the same landuse class, and the removal of outliers from the dataset without apparent further consideration. It is worth noting that this might require a technical response for subsequent development phases if use of such screening values, or the deletion of outliers appears to be material to the strategy for managing contamination-impacted soils.

This notwithstanding, I would like to highlight some observations which have arisen from the review of this document, which might appropriately justify seeking the views of GESL;

Controlled Waters

- The report treats Human Health as the only risk driver for remediation of contamination. No consideration is given to controlled waters, despite the site being classified as a source protection zone (SPZ)-1, and it being known that solution features are present within the bounds of the wider site.
- The report does not present any consideration of the apparent conceptual anomaly that the greatest concentrations of Nickel and Arsenic were identified in apparently natural soils (at TP314). This suggests that the source material from which these contaminants originated readily permits their mobilisation & transport (from original source, to sampled soils). The report does not present any factual information to discern whether these contaminants are 'bound' to the natural soils ('attenuated') or remain in mobile form (leachable from natural soils, i.e. capable of reaching the aquifer). It is possible that this individual result is associated with a feature which has not yet been identified, which could present a risk to groundwater (if representative of a significant feature, e.g. infilled permanent plunge dip).
- The elevated contaminants in natural soils (both As & Ni were identified at concentrations >1 order of magnitude greater than estimated 'natural background' levels) may be indicative of the presence of contaminants which have not been considered in any chemical sampling regime to date. Arsenic could be indicative of a pest control process, and might indicate that a pesticides screen which includes the Organo-Phosphorus & synthetic Pyrethroid compounds commonly associated with modern dips might be prudent. Desk based research might be sufficient to dismiss the need for further testing, but at this stage, the Arsenic result does stand out as anomalous, given that documentation (made available for review, to date) does not describe or characterise a feature likely to be responsible for such a result, from which conceptual inferences may be made. This is particularly pertinent given the SPZ1

status of the site, that chalk is present at shallow depth, and as solution features are known to be present within the site boundaries.

- *My recommendation would be to seek a technical comment on the above-described risk prior to the making of a positive determination to this application. It may be appropriate (given the geology, and groundwater protection status) to invite a comment from the Environment Agency as regards this result.*

Management of Made Soils (inappropriate for use in landscaped areas)

- The report proposes to re-use excavated made soils beneath dwellings and roads.
- I would agree that this would break the pollutant link (separate contaminant and receptor) with respect to occupants of the site, however I would also point out that the ACM risk is technically an acute risk (under the view of 'single fibre causality' for mesothelioma), with no negligible level of exposure defined. In this sense, the proposed use of ACM containing made soils is relevant to any personnel who may be undertaking work which might disturb the deposited material in future - e.g. road maintenance staff. I understand that there should be a consideration of a *de minimis* risk level for such receptors (on a probability of exposure basis), but it is not clear that any re-used ACM containing made soils would likely to meet the tolerable occupational hazard for such personnel, nor that any mechanism is proposed to warn persons disturbing the disturbed, placed material of the presence of Asbestos (so the appropriate PPE could be used). It seems reasonable to seek a justification for disregarding this risk, given that one WAC test classified as requiring disposal as a hazardous waste landfill, and that section 5.1 states that such placement of ACM containing soils / material should *"...also take consideration of longer-term maintenance works that may be required across the site."*
- It is considered that the Council's Acceptance of the RMS (i.e. positive determination on the application to discharge the relevant condition) would bind the developer (in enforcement terms) to the statement under 4.2 that excavated soils will be removed for off-site treatment or disposal unless deemed suitable for re-use under the CL:AIRE Definition of Waste Code of Practice - *"where the risk is demonstrated to be acceptable under a Materials Management Plan ["MMP"]"* - this means that the re-use of material proposed to be removed would not be permitted without first agreeing an MMP.
- section 5.1 states that *"...it is understood that wherever possible, site won materials including Made Ground from the farmyard area will be retained for re-use where suitable and subject to regulatory approval"*, and *"It is proposed to re-use materials on site under a Materials Management Plan which will be developed for the construction works on this site"*. In this way, it is implicit that an MMP should form part of the approved RMS. To approve an RMS without an MMP would likely prove difficult for enforcement, as an MMP cannot be implemented retrospectively, as material would already have been moved without the internal audit trail. If this occurs, there would likely be a need to re-investigate the site.
- *My recommendation would be to seek the proposed stand-alone MMP, to be approved as an appendix to the RMS, for the avoidance of doubt.*

Potable Supplies (contamination risk to-)

- Section 4.4 indicates that barrier pipe is likely to be necessary. Given the proposal to reuse made soils removed from the farm yard area, I would agree that consideration should be given to this aspect, though acknowledge poor solubility of some elevated PAH compounds present.
- At a minimum, it is considered that the verification / validation document should include evidence of consultation with Portsmouth Water, and either it's dismissal of the necessity for use of these materials, or evidence that it's recommendations have been observed.

Verification

- The verification plan provisions presented in Table 4 are broadly agreed to be appropriate.
- The text of section 7.0 makes reference to the maintenance of an audit trail for imported material, including placement within the boundary of the site. Imported soils will however be verified / certified clean prior to acceptance, and subject to a verification inspection at the gate, and placement records should not be necessary beyond this point.
- Records of the origin, character, placement location and thickness of deposits are however re much more relevant to the ACM impacted made soils present at the site, where removal and re-placement on site is proposed. Table 4, 4.0 indicates internal movements will be included, alongside waste tickets for removed material, to enable a rough mass balance calculation to be undertaken.
- Any failure to observe these record-keeping provisions may lead to the Council being unable to discharge conditions in future. The wording doesn't preclude occupation, but this could cause problems for conveyancing, and would place the Council in a position where occupants seek an enforcement response to resolve.
- Reference to this critical provision would be relatively easy to miss by site / project managers - so my recommendation would be as above, i.e. *to seek the proposed stand-alone MMP to be approved as an appendix to the RMS, for the avoidance of doubt.*

I am not able to support the partial discharge of c.11 at this time, but would advocate a delay in determination rather than a refusal, in order to accommodate the seeking of further assurances, as described above.

Mr. Jonathan Driver
Environmental Control Officer