

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/17/02324	Your Ref:	APP/16/00875
EH Case Officer Extn:	44 6677	Date:	05 December 2017
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/16/00875		
Site Address:	KFC Drive Thru, Larchwood Avenue, Havant		
Proposed Development:	The erection of a drive-thru restaurant (Use Class A3/A5), car parking, access, servicing, landscaping, engineering works and ancillary works (approved 17/02/2017). Request to Discharge Conditions 2, 4, 5, 6, 10, 14, 15 and 20 (10.04.2017). Request to Discharge Condition 7 (10.11.2017).		

Observations / Comments:

I have reviewed the Trojan Group Verification report, which is not of high quality. The waste (muck-away) tickets presented in Appendix A are illegible, and so it is not possible to tell what classification the waste (asbestos & hydrocarbon impacted soils) left the site under, nor the destination for that material (e.g. disposal to-, or use at- a landfill site, or transport to a soil manufacturing facility for treatment and blending to render it suitable for use).

Similarly, the Terra-Firma 'classification of excess soils report' is not appended, nor does the report contain any factual or descriptive information relating to the findings of that report. It is unclear whether the descriptions on the waste tickets match the classification samples & Terra Firma recommendations, whether the classification samples were consistent or demonstrated broad variability, or whether the waste description was amended on the basis of an in-situ visual inspection 'as excavated'.

No evidence has been presented to demonstrate that a watching brief was observed during construction, most notably absent is any information to evidence the hand picking from soils visible fragments of asbestos containing insulation board (AIB) & cement bonded panelling (CBA) previously noted to be present (i.e. as per 7.3.1 of the Crossfield Report).

With regard to the destination of removed soils, to some extent we must assume (as is required by the NPPF) that the waste management permitting system will function effectively, and that the final destination of material will be appropriate. The destination for those soils would however be driven in large part by the waste description applied, and it is not clear at this point that the description is/was appropriate.

It is clear that the soil removal works undertaken were solely for purpose of breaking the exposure pathways that are specific to the consented development, and did not seek to achieve site betterment by source removal. Removal was driven by the location of soft landscaping,

and not by the character of the material, and in this way it is not clear that the soils removed were necessarily those that were impacted by contamination. The risk mitigation strategy is reliant upon the imported material being demonstrated to be sufficiently clean for soft landscaping in a commercial setting, irrespective of the quality of material removed.

This is not necessarily 'in the spirit' of the condition, which aims to address contamination issues and render sites cleaner upon completion than it was prior to redevelopment - however it is adequate for the purpose of ensuring that this development is suitable for use.

It must as a consequence be regarded that persistent contamination (i.e. AIB & CBA fragments, and quantifiable free fibre) remains within soils at the site, alongside hydrocarbon (TPH CWG & PAH species) contamination of uncertain persistence. This will be relevant for any future groundworks associated with civil engineering works, and for any future redevelopment (whether commercial or residential). The spatial record will reflect this, as will (by means of including this consultation response) the public planning record.

With respect to the imported fill, which is critical to the acceptability of the mitigation works, I note that the Envirochem report is very recent. Although no indication has been given of the actual soil import / delivery dates (and the excavation / muck away dates are not legible to indicate when capacity on site was created to deposit the imported fill), the Envirochem report is sufficiently recent that the results can be reasonably regarded as being likely to be representative of soil imported. The Pegham site appears to only support one soil stockpile, and the stockpile sample was taken within 1 month of the probable import date.

Chemical samples indicate that imported soil is of low fertility calcareous type. The soil is probably not suitable for domestic use due to elevated Pb & TPH (total Ali+Aro exceeds sum of C8-C40, and transit time allows for loss of light fraction volatiles & aromatics), and where total Mercury & Chromium leave room for exceedance of generic exposure criteria if the proportional split proves to be skewed to the more toxic species (i.e. not of acute concern, but 'red-flags' for contamination sensitive receptors).

I also note from Appendix D that there is a reasonable breadth of variation in soil texture & colouration pictured, and some pictures show visible construction / demolition inclusions (arguably casting some doubt on stockpile consistency & representativeness of the supplied sample result).

This notwithstanding, the results presented do show that the material sampled is suitable for use in a commercial setting, and I am satisfied that the intended cover depth was achieved.

Conclusions

As is stated above, that the report provided is of poor quality does not necessarily mean that works undertaken are not adequate to meet the minimum protections required by condition 7, which are essentially that sufficient depth of sufficiently clean soil be used in soft landscaping areas as to i) avoid significant mixing of clean soils with extant (contamination impacted) soils by biological action, and ii) being mobilised to receptors as soil particles and dust.

The exposure scenario at the site means that we can regard it to be of relatively low sensitivity, and this allows us to be less strict than we might otherwise be on the standard of evidence required. It is however important that we are clear on the state of soils remaining at the site (conditions reported in the Crossfield report will have been subsequently prejudiced by the development groundworks), and this does require that we understand both the content- & implications- of the Terra Firma Report referred to.

I will not be in a position to recommend that c.7 be discharged until we have had sight of all the information that is both relevant & available. To this end, I would appreciate it if you could seek a copy of the Terra Firma report from the applicant, and secure any time extension necessary to allow that report to be reviewed prior to determination of this application. I expect this to be a formality, but would not wish to prejudice the conclusions of the review of that information.

Mr. Jonathan Driver
Environmental Control Officer