

From: Driver, Jonathan <Jonathan.Driver@havant.gov.uk>
Sent: 11 February 2022 16:06
To: Wickens, Tom <tom.wickens@environment-agency.gov.uk>
Cc: Wells, Lesley <Lesley.Wells@easthants.gov.uk>; Brown, Sophie <sophie.brown@environment-agency.gov.uk>
Subject: RE: Environment Agency Response to: APP/21/00189 Brockhampton West

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I've suggested amendments to condition wording, which *shouldn't* impact the effect for EA purposes, but should tighten-up / clarify requirements & to broaden out the scope a little – in particular to be explicit that CMC's are piling for the purposes of the PRA. I've also requested a comprehensive CEMP condition, as I understand a revised document is already in draft.

Proposed condition wording below - I hope that the amendments / redraft is acceptable. I've not intentionally sought to reduce the scope or effect of conditions, please do shout if you spot any problems.

Condition [1]: Remediation Method Statement (RMS)

Prior to the commencement of any specific phase of development approved by this planning permission (other than site clearance, forming the means of access, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a remediation method statement shall be submitted to- and approved in writing by- the Local Planning Authority.

The Method Statement shall be based upon the Remediation Options Appraisal & Verification Strategy 19-2099.07, and shall provide details of proposed remedial & risk mitigation actions that could not be designed in detail at the outline stage.

Reason: *To ensure that the development does not contribute to-, is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination. This is in line with paragraph 174 e) & 183 of the National Planning Policy Framework & DM17 of the Havant Borough Local Plan (Allocations) [2014]*

Condition [2]; [Recommended Substitution of Condition 1 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

The contamination 'watching brief' referred to at section 4.1 of the Delta Simons Report No. 19-2099.07 v2.3 shall be observed during all groundwork operations. If suspected contamination is encountered which is qualitatively out of keeping with ground conditions described within the Factual Geo-Environmental Investigation Report (19-2099.04); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

All investigation, assessments & other actions required shall be undertaken by competent persons, and the scheme shall be implemented as approved

Reason: *To ensure that the development does not contribute to-, is not put at unacceptable risk from-, or adversely affected by-, unacceptable levels of water pollution arising from previously unidentified contamination sources at the development site. This is in line with paragraph 174 e) of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014]*

Condition [3]; [Recommended Substitution of Condition 2 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

Prior to occupation of any relevant part of the approved development, a verification report which demonstrates both the satisfactory completion- & efficacy- of works set out in the approved remediation method statement [referred to at Condition 1] shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with Delta Simons Report No. 19-2099.07 v2.3 (the approved Verification Strategy) & the Piling Method Statement [referred to at Condition 4], to demonstrate that the site remediation criteria have been met.

Reason *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of document 19-2099.07 v2.3 (the approved Verification Strategy) have been met, and that remediation of the site is complete. This is in line with paragraph 174 & 183 of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014]*

Condition 4 [Recommended Substitution of Condition 3 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

No piling or deep foundation columns shall be constructed until a Method Statement which demonstrates how groundwater will be protected, and how the efficacy of the protection measures will be verified, has been submitted to- and approved in writing by- the Local Planning Authority. Unless specifically excluded by agreement, the Statement shall include;

- a) details of piling methods, to ensure that the risks of contaminant mobilisation are minimised and that the wider remedial objectives outlined within the Delta Simons Remediation Options Appraisal 19-2099.07 will not be prejudiced,*
- b) details specification &/or design of materials, to ensure that the piles or deep foundation columns are not put at unacceptable risk by aggressive ground conditions, and;*
- c) details of a water monitoring program, to be undertaken both during and after piling to demonstrate the efficacy of the methods in minimising mobilisation of contaminants*

Reason

To ensure that the proposed Piling or other deep foundation does not harm groundwater resources in line with paragraph 174 e) & 183 of the National Planning Policy Framework, and DM17 of the Havant Borough Local Plan (Allocations) [2014]. Contamination may be present on site.

Many thanks

Jon

Jonathan Driver
Environmental Control Officer

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From: Wickens, Tom <tom.wickens@environment-agency.gov.uk>

Sent: 11 February 2022 15:44

To: Driver, Jonathan <Jonathan.Driver@havant.gov.uk>

Cc: Wells, Lesley <Lesley.Wells@easthants.gov.uk>; Brown, Sophie <sophie.brown@environment-agency.gov.uk>

Subject: RE: Environment Agency Response to: APP/21/00189 Brockhampton West

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Good Afternoon Jon,

I hope you are well.

Apologies for the delay on returning on this. It had rather gone into my "out" tray, so had to go back through some previous reports/responses.

I have respond though to your question below.

Kind Regards

Tom

From: Driver, Jonathan [<mailto:Jonathan.Driver@havant.gov.uk>]

Sent: 24 January 2022 18:47

To: Wickens, Tom <tom.wickens@environment-agency.gov.uk>

Cc: Wells, Lesley <Lesley.Wells@easthants.gov.uk>

Subject: FW: Environment Agency Response to: APP/21/00189 Brockhampton West

Good Evening Tom,

Firstly, my apologies for direct contact on a site that has already been put into your 'out' tray. I'll spare you as far as possible my 'thinking out loud', and try to keep it to the key points. I would ordinarily take a fairly strict view on any suggestion of impact to controlled waters, and given both the sensitivity of the environment, and the drivers for the nitrogen neutrality policy; I am a little uncomfortable with dismissing the risk as 'acceptable' at this site without being in a position to robustly defend that conclusion. To that end, I am primarily seeking to understand the reason why the Agency's position has materially changed from that expressed in the 17/08/21 response, specifically in respect to:

1. *"With regards to the monitoring of groundwater and surface water... Given the location, the results of monitoring should also be compared against saline EQS."* and;
2. *"We remain concerned regarding the impact of Nitrogen species on the wider environment... environmental loading from Nitrates, remain a concern."*

Essentially, this boils down to a couple of key questions - highlighted below for ease.

Saline EQS (1) (Ammonia - alternative);

Given the lack of a detailed discussion of saline EQS (for Ammonia) in the GEA, I am unclear on how the Agency's concern expressed at 1) has been satisfied.

Would you agree that:

- i) There is no Nitrogen parameter represented in the monitoring results for this site that can be directly compared to any available EQS or environmental standard, - *yes that is correct, I believe directly monitoring for Un-ionised ammonia (NH₃) is far from straight forward. Particularly due to its transient nature of NH₃ and NH₄. So typically total ammoniacal nitrogen is measured.*
- ii) the presented assessment of NH₃/NH₄ ratio is reasonable, *I think the current assessment is reasonable.*
- iii) the correct metric for comparison with the Un-Ionized (NH₃) EQS is 'Total Ammoniacal Nitrogen as N (*I would have thought this should be "as NH₃"*)' x [decimal proportion NH₃, derived from temp/Ph of sample],

...and that on this basis, there is no evidence of significant primary emissions of ammonia from the site?

This is my understanding of the interpretation of the ammonia parameters* and application of the EQS presented in the *Hydrogeological Risk Assessment for Landfills* (fresh/salt). If this is the case, it would address my query Re: the saline EQS for ammonia (i.e. there'd be one OOM headroom for dilution before breach of standard is risked)

[* my current understanding is that the 'ammoniacal Nitrogen as NH₃' is not directly comparable to an ammonia (NH₃-N) EQS; Ammoniacal N (as NH₃) instead represents all nitrogen present in the form of any NH(x) compound (NH₃ or NH₄, undetermined) expressed 'by mass' assuming that all detected Ammoniacal Nitrogen is present as NH₃ (i.e. total Ammoniacal Nitrogen species divided by mass of 'N+H+H+H'), which of course is different to the amount actually present as NH₃. I'm basing the above on this interpretation - please feel free to educate me if this is in error] - *Yes this is my understanding as well.*

Saline EQS (1) (Ammonia – used in GEA, Inorganic Nitrogen), Primary Nitrate Emissions (2)

I am not 100% certain about the origin of the GAC used in the GEA for this site for Ammonia – it appears to derive from Table 7 (Schedule 3) of the WFD (notwithstanding that no CaCO₃ results were reported to the best of my knowledge), which refers to 'Ammonia'. It occurs to me that this EQS is probably inappropriate for this site, and that comparison to saline EQS would probably require reference to be made to the 'dissolved organic Nitrogen' standard (table 16, 17) for transitional & coastal waters. This standard pointedly uses a different description, and my assumption is that it is intended to account for a far broader range of Nitrogen species, i.e. Ammoniacal N as NH₃ & NH₄, + NO₂, NO₃ (possibly also dissolved/free N₂). *I am also struggling to recall the rationale for the GAC used for ammonium in the GEA. Ascertain the impact of any N species can be tricky given their potential transformation. For Nitrates it is clear that there is a strong argument that you need to consider all N in inorganic forms.*

I am not certain that my interpretation of the scope of the table 16/17 standards is correct, and I would be unclear on the appropriate conversion from uM/l to a reported parameter for a group of N

Spp. – it is possible (but not clear-) that the standard should be implicitly read to refer to values 'as N'. I am aware that the standards apply to mean & percentile metrics, and that no direct comparison can be made; but an indicative comparison could.

Given that the Agency's initially raised concern (2) has been satisfied – I wondered if you could briefly summarise the rationale for that change of position? For example, is it based upon a high-level assessment of 'Total Nitrogen' against the WFD standard, or based upon a high-level assessment of 'determinability' of the site on this basis, considered against a qualitative assessment of '£/achievable betterment'?

Nitrate (in reality Total Nitrogen) sits somewhat in a different position to most contaminant of concern, given that there are so many diffuse and point sources, both historic and ongoing. The focus is more on reduction as far as reasonably practical, so site more qualitative assessment of betterment/practicality. In this regards the additional work that they carried out in relation to options for further benefit satisfied our concern we raised.

Other emissions

Looking at the WFD waterbody status for Langstone harbour, I note that there have been previous failures on Nonylphenol's & Polybrominated Diphenyl Ether, both substances associated with Landfill leachate (as well as sewerage discharges). Are you / is the Agency- happy that these atypical CoC's have been omitted from the analysis undertaken to date, say, on the basis that any WFD failures for these substances are (on the balance of probabilities) more likely to arise from Storm-wastewater discharges than they are from Landfill Leachate, having accounted for the evident attenuation within the chalk matrix (bunds / weathered surface of the UC chalk)? I am aware that both Nonylphenols and Polybrominated Diphenyl Ethers can be associated with landfill leachate. As you comment they are non standard, and landfill leachate are not likely to be primary sources of these CoC, rather secondary sources (i.e. objects containing flame retardant that have been disposed as opposed to a site where BDPE flame retardant where stored and used). We have no specific reason to link this site to either Nonylphenols & Polybrominated Diphenyl Ether . There are a number of other potential CoC such as PFAS(s), that could have been included. As such I their omission is not idea, but I would not refuse to sign off the investigation because of this.

(In summary-)

I think I'm just after a 'sense check' on the degree of detail needed in order to regard the pre-app work to have done enough to show that based upon current knowledge the NPPF minimum policy requirements (para. 183, contamination) have been met. If the answers to the questions above are 'don't agree' &/or 'saline EQS for inorganic N- &/or NP/PBDE- should be considered', then there might be an argument for insufficiency against 183 c).

If you are comfortable with these issues, then I'll respond on that basis & focus on condition wording & effect.

Many thanks in advance, and again, my apologies for putting this one back on your desk.

Jon

Jonathan Driver

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-----Original Message-----

From: planningSSD@environment-agency.gov.uk <planningSSD@environment-agency.gov.uk>
Sent: 22 December 2021 14:14
To: Havant Planning and Development Mailbox New <planning.developmentnew@havant.gov.uk>
Subject: Environment Agency Response to: APP/21/00189

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

The proposal has been reviewed and I enclose the Environment Agency's comments on:
Brockhampton West, Harts Farm Way, Havant

LPA ref: APP/21/00189

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