

From: Kate Giddings <kate.giddings@arun.gov.uk>
Sent: 17 May 2021 15:40
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Hi Amy,

I hope you had a good weekend.

With regard to the above application, the amended report has covered the points raised in April, however the updated Discovery Strategy does not appear to have been included with the submission. In addition, part 2 of condition 5 can only be considered following completion of the additional sampling and on-site groundworks, therefore it is not possible at this stage for EH to recommend discharge of this condition.

Many thanks,

Kate.

Kate Giddings
Senior Technical Officer
Environmental Health

T: 01903 737536
E: kate.giddings@arun.gov.uk

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From: [REDACTED]
Sent: 13 May 2021 18:14
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: 'Andy Southcott' <[REDACTED]> Kate Giddings <kate.giddings@arun.gov.uk>
Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED



Hi Amy

Attached is contamination report as discussed with Kate for comment and approval.

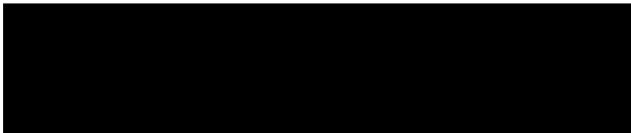
Regards

Philip Dudley
Director



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From: Amy Myer <Amy.Myer@arun.gov.uk>

Sent: 12 May 2021 12:39

To: [Redacted]

Cc: 'Andy Southcott' [Redacted] Kate Giddings <kate.giddings@arun.gov.uk>

Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Philip,

I was not suggesting your consultant email her an amended report, I was suggesting your consultant email her a clear list of his queries which would seem a sensible first step. Of course a phone discussion in addition is a reasonable approach too.

To be fair Philip, you have submitted 2 DOC applications now trying to discharge a plethora of conditions, many of which have either had lacking information or were pre-commencement conditions and should have been discharged months ago, before your client started construction, and as such you are currently 'in breach' of your planning conditions, some of the implications of which could have been very damaging e.g. not checking tree protection measures with a meeting prior to commencement etc. You have had my contact details all this time to check with me if your phone calls to the general Council number were not getting through and to make any enquiries e.g. re contacting the Tree Officer to arrange the site meeting months ago. Anyway, I'm not going to say any more than that with regard the issue of 'common sense'.

We look forward to receiving the final report this week

Amy

From: [REDACTED]
Sent: 12 May 2021 12:26
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: 'Andy Southcott' [REDACTED] Kate Giddings <kate.giddings@arun.gov.uk>
Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Hi Amy

My consultant has been phoning the council and leaving messages for a call back. He has not been emailing her. He wants to talk to her about the issues not simply keep emailing reports to each other. It is not just a case of providing what Kate has asked for as my consultant has his own opinion about the issues that need discussing. Hopefully they will talk and agree on a way forward. Seems to be no common sense in councils any more!!!!

Regards

Philip Dudley
Director



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[REDACTED]

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From: Amy Myer <Amy.Myer@arun.gov.uk>
Sent: 12 May 2021 12:20
To: [REDACTED]
Cc: 'Andy Southcott' [REDACTED] Kate Giddings <kate.giddings@arun.gov.uk>
Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Hi Philip,

I've spoken with Kate just now, who was on leave most of last week but was back Friday and has been in since, and she's confirmed she has received no emails detailing the queries from your land contamination consultant Chris.

In any event, to be fair, clear comments were provided by Kate on 20th April on how to amend the land contamination report and what the outstanding requirements were.

Notwithstanding this, Kate will call Chris asap today to discuss further and we will then need the final report by end of this week please, send to both myself and Kate please (my understanding is the additional requirements are not especially onerous or time-consuming to amend the report as required).

If we can get the final report by end of this week, I will then re-consult Kate beginning of next week, as we need to decide the DOC application by the deadline 20/5.

Amy

Amy Myer
BA Hons, MSc, MRTPI
Senior Planning Officer
Directorate of Place

T: 01903 737776
E: Amy.Myer@arun.gov.uk

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From: [REDACTED]
Sent: 12 May 2021 09:26
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: 'Andy Southcott' [REDACTED] Kate Giddings <kate.giddings@arun.gov.uk>
Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Hi Amy

Chris Swinston my contamination consultant has been trying to speak to Kate but they don't return any of his calls or messages. I got an automated email response from Kate saying they will respond in 10 working days!!!!

You will appreciate that it is frustrating when you want us to stick to your deadlines for the application but if we cannot speak to any of your officers and they don't return any messages how on earth are we supposed to sort out the issues within the timescales. I consider this to be out of my control therefore it is reasonable to allow extension of times when your own officers within the council cannot return calls or messages and try and cooperate to sort out a solution.

Regards

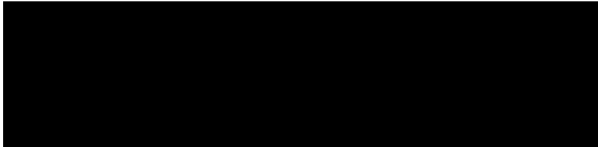
Philip Dudley
Director





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From: Amy Myer <Amy.Myer@arun.gov.uk>

Sent: 11 May 2021 10:52

To: [REDACTED]

Cc: 'Andy Southcott' <[REDACTED]>; Kate Giddings <kate.giddings@arun.gov.uk>

Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Philip – any update on the land contamination situation? Has your consultant spoken with Kate in EH and has an updated Contamination Report been provided to her for comment?

Amy

From: Amy Myer

Sent: 06 May 2021 09:21

To: [REDACTED]

Cc: 'Andy Southcott' <[REDACTED]>; Mark Warwick <Mark.Warwick@arun.gov.uk>

Subject: RE: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Thanks for this updated info Philip

I have forwarded on this info to the relevant consultees, and asked for their comments by mid next week.

I am sure Mark will contact you shortly re arranging a site meeting and/or reviewing the photos provided yesterday.

To let you know, Kate is away until tomorrow so I have asked her to contact your contamination consultant asap on her return so you can finalise that info and we can then try get her comments next week. What is your contamination consultants details? I can pass these onto Kate. Your consultant can also try and email and call her tomorrow.

Kind regards,
Amy

Amy Myer
BA Hons, MSc, MRTPI
Senior Planning Officer
Directorate of Place



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E: Amy.Myer@arun.gov.uk

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From: [REDACTED]
Sent: 06 May 2021 08:54
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: 'Andy Southcott' <[REDACTED]> Mark Warwick <Mark.Warwick@arun.gov.uk>
Subject: Y/43/21/DOC - Land East North End Rd/West of Church Lane - AMENDS REQUIRED

Hi Amy

To update on the various outstanding matters.

Drainage

Attached are revised drawings and information which deal with the comments received from Laura Gibbons. I have included a document with her original comments and my engineers answers. I would also like to point out that there was a lot of information produced for the drainage at planning application stage and this was approved. I am not sure if Laura dealt with the original consultation on the planning consent probably not therefore she might not be aware or looked at all the info that was submitted previously. We are only providing a drainage design that follows the principles of the strategy that was approved.

Contamination

My consultant has come up with a way forward and we have discussed this. He has been trying to contact Kate Giddings to discuss this with her so they can agree on the solution. I am waiting for him to come back to me once he has contacted Kate. I believe he tried yesterday and is waiting for a response. It seems more beneficially if he can discuss details with her and agree the solution then I can submit the relevant stuff back which will be correct. Hopefully I will be able to email this later today.

Trees

You will have seen my client has been trying to make contact with the tree officer and has forwarded an email with pictures and awaits a response from the tree officer about way forward. Again hopefully the tree officer can respond and we can resolve any issues.

As you can see we are doing our very best to resolve the issues. Drainage can be sent back to Laura for comments and hopefully by the end of the day you will have everything to be able to reconsult and still be able to meet the deadline.

Regards

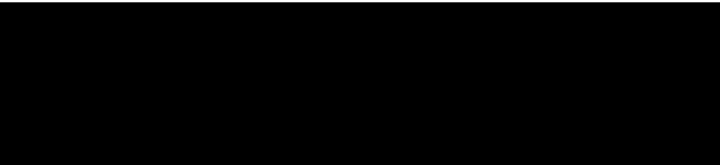
Philip Dudley
Director

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Southcott Homes

Via email only: andy.southcott@southcotthomes.co.uk

13th May 2021

Our Ref.: 18935/RMSLR/RMS

Dear Andy

Re: Orchard Nursery Options RMS

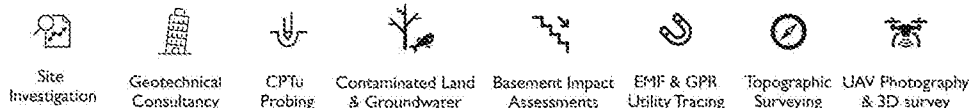
It is understood that permission has been granted under reserved matters relating to the planning application for this site. Due to the number of reports that have been undertaken on the site for Crayfern Homes, from whom you have obtained Soils Limited's reports and liabilities, we have provided below a list of relevant reports in our possession along with a brief summary of each report content to assist in review and options appraisal in relation to the extant contaminated land conditions as expressed in DECISION NOTICE Application Ref: Y/18/20/PL dated 13th May 2020.

***Phase I Desk Study on Land adjacent to Orchard Business Park, North End Road, Yapton, West Sussex BN18 0GA
Report reference 16612/DS dated November 2017***

The desk study identified a low to moderate risk of contamination on site from historical activities and a low gas risk from off-site sources in light of the proposed residential development. The report made recommendations to undertake a ground investigation to test the assumptions presented with the conceptual site model.

***Phase II Ground Investigation Report at Land adjacent to Orchard Business Park, North End Road, Yapton, West Sussex BN18 0GA
Report reference 16612/GIR dated November 2017***

The report detailed the findings of a combined geotechnical and environmental investigation undertaken with 4No windowless sampler trial holes and 4No dynamic probes. Contamination analysis of 5No. samples revealed a Lead outlier in excess of the current C4SL generic guidance value of 200mg/kg. Locations were installed to consider and monitor the identified gas risk on a precautionary basis. The report noted that consideration would be required for possible remediation of the outlier area identified in WS3 at 0.20m.



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Letter Report Soil Gas Risk Assessment Land adjacent to Orchard Business Park, North End Road, Yapton, West Sussex BN18 0GA Report reference 16612/SGRA dated February 2018

This letter report provides an assessment of ground gas conditions beneath the site based on six monitoring visits in line with current guidance recommendations for a low risk residential development over a range of pressures and conditions. Data quality is considered good for this report and did not determine or identify any requirement for gas protection to be emplaced as part of the development.

Options Appraisal

As expressed in the decision notice (Y/18/20/PL dated 13th May 2020) a review has been undertaken of the initial works and investigations to date in concert with the CDM designer (Vivid Design Studio) and an options appraisal as to the potential works and remediation required has been undertaken. The findings of the initial options appraisal process are summarised below for reference.

1. Lead in one of 5No samples is technically in excess of the appropriate generic guideline value of 200mg/kg at WS3 0.20m.
2. Soils Limited cannot “prove” this is an outlier as a minimum of 10no.data points are required to do that under current guidance. However, on the balance of probability, it appears to be an outlier.
3. No specific attempt to determine the nature and extent of the materials encountered was undertaken at the time of initial reporting, as this was considered beyond the scope of the then report.
4. However, on review, the elevated zinc and lack of significant associated PAH or TPH suggests the elevated Lead levels encountered are in fact an artifact, a piece of whitewash or some window glass or flashing.
5. At this concentration, such materials would be too small to see with the naked eye.
6. The relatively low Arsenic levels in the sample re-enforce the contention that this is not “natural” Lead but processed.
7. If the Lead is processed, leachability and hence the bioavailability would usually be expected at or around the order of 0.1-2.5%.
8. Applying an appropriate modifier for the bioavailability as recommended in current guidance to derive a site-specific (DQRA) value would place the actual risk value at significantly below any of the current guidance values.
9. For comparison typically acceptable DQRA London remediation values are around 750mg/kg and based on mainly atmospheric (as opposed to processed) Lead which is even more accessible.
10. On this basis Soils Limited consider that this exceedance is not considered significant in context as it is an outlier artefact with little relationship to the site as a whole.
11. It could be (for example) that the investigation located the only piece of elevated lead concentration and by submitting it for analysis have already removed it from site.

Regulatory Comments to initial RMS

Comments were returned from the regulator in May 2021 and forwarded to Soils Limited following presentation of this initial RMS proposal in December 2020 to the regulator expressing our then position on the matter. In the response it was noted that:

"In relation to the above application, I am able to advise that the information provided in Soils Ltd.'s Options Appraisal letter (ref.: 18935/RMSLR, dated 14 December 2020) is not considered sufficient in addressing the concerns relating to the 522mg/kg lead recorded at 0.2mbgl in WS3. Furthermore, our system notes from 2009 state that planning record Y/64/68 details a double boiler installation, which in turn may indicate the presence of diesel tanks on site however this anomaly has not, to my knowledge, been further explored/addressed. In addition, the above referenced submission does not constitute an Options Appraisal, therefore cannot be considered as such by this Department. Consequently, EH is not currently able to recommend discharge of the condition."

Remediation Strategy

Following appraisal and discussion with both the Client and the regulator, it was noted that removal of site surface materials to 0.30m was already required for operational and geotechnical reasons and that such actions were to be undertaken as groundworks. This proposed groundworks activity (already costed and anticipated in the development strategy and plans) would by default remove the identified elevated Lead level noted at 0.20m WS3. This would, by removal of source, break the potential human health pathway identified previously as requiring remediation.

As such works were already planned and costed into the development plan, this would clearly be the most sustainable and cost-effective option, rather than (for example), removing a 2m x 2m area as an isolated identified hotspot (in line with current guidance), the costs for which would have been additional to that anticipated. In addition such activity would have been unsustainable as the whole site would then have been cleared to -0.30m as part of the planned groundworks.

This action was further considered justified and the prudent risk averse course of action to undertake because the results to date strongly suggest that Lead at this site is likely to be present as isolate hotspots i.e. as microscopic fragments of ash, clinker, flashing, glass, paint, whitewash, etc. and as such could also be present in remaining surface material as relict fragments across the site from former use of this and adjacent sites as nurseries. As such this activity would be more sustainable in the longer term as it would also further reduce the potential for additional "sources" to be located in surface materials that may then require further remediation.

This reasoning and proposed works having been informally agreed with all parties some additional works are proposed to validate and verify these proposed actions and activities. Following removal as groundworks, appropriately competent persons will undertake environmental sampling at the area of WS3 to provide 5no. samples (1 at WS3 0.30m and 4 no. at cardinal points 1m from that location) to a) provide appropriate validation data and b) to provide a total of 10no. samples so that the contention that the WS3 result was an outlier can be statistically confirmed. As Lead is the only identified "contaminant of concern" in this case, this will be the only parameter tested for the validation samples.

Whilst the competent person is on site for the validation, they shall also undertake and report an audit, review and observation of the site in concert with the on-site operatives, to determine if any obviously deleterious materials have been exposed, encountered or disposed of as part of the clearance and groundworks activities. This will include consideration of any visible ACM, metals, wastes and oily materials as per the site Discovery Strategy and will also attempt to confirm, determine or deduce the location and possible presence of the supposed fuel tanks noted by the regulator in 2009 (planning record Y/64/68) but for which no evidence has yet been located by or presented to Soils Limited.

The Discovery Strategy requirement – with special emphasis on keeping an eye out for any evidence of a tank - will be emplaced throughout all of the site development activities and the findings and conclusions recorded and reported as part of the closure activities.

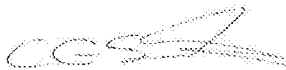
Conclusions

In summary it is therefore proposed that the following works are undertaken:

1. Site clearance be undertaken to 0.30m below current levels
2. Validation testing (5no samples Lead only) at location WS3 and at 1m cardinal points from WS3 following groundworks
3. Confirmation of no obvious deleterious materials encountered during clearance or remaining exposed on cleared site
4. Emplacement and confirmation of site Discovery Strategy – to include special reference to potential for Tanks and/or hydrocarbons
5. Requirement to report the above (with evidence) and confirm compliance with site Discovery Strategy (even if negative)

If you have any questions regarding the above, please contact the undersigned.

Yours sincerely



C G Swainston *BSc, PGCE, CGeol, FGS, CLAIreQP*
Principal Geo-Environmental Engineer
For and on behalf of Soils Limited