

Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UE

Our ref: HA/2012/113346/01-L01
Your ref: PLAN/KK/WR227
Date: 12 October 2012

Dear Sir/Madam

THE CONSTRUCTION AND OPERATION OF A 8 MWE PYROLYSIS ADVANCED CONVERSION TECHNOLOGY (ACT) PLANT INCLUDING A 2 MWE ANAEROBIC DIGESTION PLANT ASSOCIATED OFFICE, VISITOR CENTRE, WITH NEW ACCESS ROAD AND WEIGHBRIDGE FACILITIES, SOLAR PANELS, ASSOCIATED LANDSCAPING AND SURFACE WATER ATTENUATION FEATURES

OVERTON ROAD, MICHELDEVER STATION, HAMPSHIRE SO21 3AP

Thank you for the consultation on the above application, we have reviewed the information as submitted and have the following comments.

The proposed development will require a Environmental Permit for the Pyrolysis activity we would encourage early discussions with regards to the permit, please contact 03708 506 506 quoting reference EPRLB3338AZ A001.

Environment Agency Position

The Environment Agency have no objection in principle to the proposal as submitted, but would however wish the following to be taken into consideration:

Planning Condition(s)

The Environment Agency requests that the following condition(s) be attached to any planning permission granted, and that details in relation to these condition(s) (and on which the Environment Agency would wish to comment) be submitted to and approved in writing by the Local Planning Authority:

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Environment Agency
Colvedene Court (Wessex Business Park) Wessex Way, Colden Common, Winchester, SO21 1WP.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

1. A preliminary risk assessment which has identified:
 - § all previous uses
 - § potential contaminants associated with those uses
 - § a conceptual model of the site indicating sources, pathways and receptors
 - § potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons:

The site lies above the Lewes nodular chalk formation, a principal aquifer and is within the groundwater Source Protection Zone 3 for the Norton supply. Historical use of the site as an Oil Terminal may have caused contamination to present. We are concerned that any contamination present may pose a risk to groundwater.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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 the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To ensure that remedial works are carried out in accordance with the remedial strategy. Groundwater is potentially at risk from contamination at the site.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

The site lies above the Lewes nodular chalk formation, a principal aquifer and is within the groundwater Source Protection Zone 3 for the Norton supply. Historical use of the site as an Oil Terminal may have caused contamination to present. We are concerned that any contamination present may pose a risk to groundwater

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution and risk of mobilising contamination. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

The development hereby permitted shall not be commenced until such time as a scheme for surface water and foul water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

The site lies above the Lewes nodular chalk formation, a principal aquifer and is within the groundwater Source Protection Zone 3 for the Norton supply. We would be concerned about any proposals or activities which could potentially cause pollutants to enter groundwater.

The development hereby permitted shall not be commenced until such time as a scheme for the containment of liquid from the anerobic digestion tanks have been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

The site lies above the Lewes nodular chalk formation, a principal aquifer and is within the groundwater Source Protection Zone 3 for the Norton supply. We would be concerned about any proposals or activities which could potentially cause pollutants to enter groundwater.

Advice to Local Planning Authority/Applicant

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

We understand from the information provided that operational areas will be located on impermeable surfaces and the surface water from these areas will be treated and re-used. We would like clarification on which areas this covers and whether there are any areas in the development site which will not be connected to the treatment system (for example parking areas and roads). If there are, we will need to agree a drainage

scheme with the applicant. The drainage system must incorporate appropriate pollution prevention measure to ensure groundwater is protected.

Whilst a desk study (reference 403.03620.00002) had been completed and provided in support of the planning application, no site visit had been undertaken prior to its completion. We recommend that this is undertaken and the desk study, CSM and recommendations updated to reflect and observations made. In addition, please clarify whether the MOD has been contacted to discuss the site and obtain addition information. The desk study should also be updated to include any information provided.

We understand from the information provided that the fuel tanks are still present at the site. We would like clarification from the applicant as to whether these will be decommissioned and removed as part of the development.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to our website for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at for more information.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

§ Duty of Care Regulations 1991

§ Hazardous Waste (England and Wales) Regulations 2005

§ Environmental Permitting (England and Wales) Regulations 2010

§ The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

We would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice, available from our website. This sets out our position for a wide range of activities and developments, including discharge of liquid effluents, land contamination and drainage.

The Environmental Statement has identified a number of sensitive ecological receptors and concluded that the proposal will result in a net loss of calcareous grassland. We do not consider that the impacts identified full into our nature conservation remit, but strongly recommend consultation with the Development and Biodiversity function at

Hampshire County Council.

On reviewing the information submitted we would question if the scheme is contrary to Policy CP6 (Biodiversity) of Winchester City Councils Core Strategy Preferred Option, which states that the City Council will support development that protects and delivers a net gain in biodiversity, which is questionable as the scheme currently stands.

Government policy on minimising impacts on biodiversity set out in the National Planning Policy Framework (NPPF) paragraph 118, requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications.

Please do not hesitate to contact me on the number below should you have any questions.

Yours faithfully

Mr Jon Maskell
Senior Planning Advisor, Environment Agency

Direct dial 01962 764878

Direct fax 01962 764996

cc S L R Consulting Ltd