



**ENTERPRISE AND DEVELOPMENT COMMITTEE**

**A DEVELOPMENT CONTROL POLICY FOR THE MANAGEMENT AND AFTER-  
USE OF SOILS ON DEVELOPMENT SITES**

**REPORT BY DEVELOPMENT CONTROL AND BUILDING STANDARDS  
MANAGER**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise members of the growing concern over the misuse and poor management of soils on development sites, and to set out a procedure for soil management, in the form of a development control policy, which will require either the submission of a soil sustainability plan with a planning application, or allow appropriate conditions to be imposed on planning consents.

**B. RECOMMENDATION**

It is recommended that committee notes the content of the report and approves the policy for further consultation with Oatridge Agricultural College, the Soil Association and the Scottish Executive Environment and Rural Affairs Department, with a view to adoption as a non-statutory development control policy.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; providing equality of opportunities; and working in partnership.
<b>II Policy and Legal</b>	The report sets out policy guidance that is consistent with the approved structure plan and the Finalised West Lothian Local Plan.
<b>III Resources - (Financial, Staffing and Property)</b>	Nil.
<b>IV Consultations</b>	Internal consultation with the council's flood prevention and environment officers and the NETs and Land Services Manager

## **D. TERMS OF REPORT**

### **Introduction**

In recent years, Development Control has received a number of calls from residents living in new housing estates in the south of the district, mainly in the Livingston area, concerned about flooded or waterlogged gardens. Complaints have also been received about failed landscaping on development sites, mainly due to poor soil treatment and planting.

In response to these complaints, a specific development control policy, which covers best practice for soil management in relation to new development, has been produced. The policy, which is appended to this report, takes into account relevant research and policy formulation already undertaken in West Lothian and is applicable to all forms of development, not just housing sites.

The aim of the development control policy is to:

- help conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- prepare sites more effectively for landscaping and open space use.

### **Background**

Research undertaken for the "West Lothian Soil Sustainability Report", which was published by West Lothian Council in June 2004, on behalf of the West Lothian Bio-diversity Partnership, indicates that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. It is this high clay content that most often results in the worst drainage conditions.

Mapping of the natural drainage status of the soils in West Lothian shows that the majority of the southern half of the district, and some areas to the west, have poor or very poor natural drainage characteristics. During development, misuse of soil often results in even poorer drainage capacity of the soil that is returned to a site after construction.

Preserving the structure of soil is of particular importance in assisting with its drainage. Soils with the most susceptible structural stability problems include silty clay loams and sandy clay loams. Deterioration of soil structure can occur if soil is badly managed on development sites.

The Soil Sustainability Report made several recommendations for developing good practice that would reflect the importance of soil as an issue in sustainable development. These included incorporating policy guidance on soil sustainability in the development plan, and agreeing a procedure for soil management before the commencement of specific developments on site, for implementation during and after construction.

### **The Development Plan**

In line with the above recommendations, a policy covering the "Sustainable Re-use of Soils" has been included in the Finalised West Lothian Local Plan 2005.

Policy ENV8 states:

"On all greenfield development sites over 1.0 ha an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. Soil sustainability plans will include soil identification for after-use purposes, top-soil handling, site restoration, open space drainage and post-development monitoring".

### **Policy Guidance**

The Development Control Policy, which is appended to this report, not only responds to residents' complaints about waterlogging and poor landscaping, but satisfies the requirement for specific development control guidance, as set out in the West Lothian Soil Sustainability Report.

The policy requires the submission of a soil management/sustainability plan on large greenfield sites over 1.0 ha, in line with policy ENV8 above, and sets out the issues which require to be addressed by these plans.

On large brownfield sites and all other smaller sites, where consultation with the council's flood prevention and environment officers has highlighted specific flooding, drainage issues, or particular reinstatement needs for landscaping and after-use proposals, conditions will be imposed which ensure soil conservation and minimise the risk of compaction. Examples of appropriate conditions are included in the policy guidance.

## **E. CONCLUSION**

In response to residents' complaints about waterlogging and poor landscaping, and to satisfy the requirement for specific development control guidance set out in the West Lothian Soil Sustainability Report the appended policy guidance has been prepared.

It is recommended that the policy be approved for further consultation with Oatridge Agricultural College, the Soil Association and the Scottish Executive Environment and Rural Affairs Department. Following consultation, provided any suggested changes are minor or technical, the finalised policy will be included in the council's list of Development Control policies. Should more comprehensive changes be required these will be reported back to committee.

## **F. BACKGROUND REFERENCES**

Finalised West Lothian Local Plan 2005 and West Lothian Soil Sustainability Report 2004: available in the members' lounge

30 May 2006

rwmcc3005 dcpolicy – soils on dev sites

## **A DEVELOPMENT CONTROL POLICY FOR THE MANAGEMENT AND AFTER-USE OF SOILS ON DEVELOPMENT SITES**

### **Background**

In recent years, Development Control has received a number of calls from residents living in new housing estates in the south of the district, mainly in the Livingston area, concerned about flooded or waterlogged gardens. Complaints have also been received about failed landscaping on development sites, mainly due to poor soil treatment and planting.

Research undertaken for the "West Lothian Soil Sustainability Report", which was published by West Lothian Council in June 2004, on behalf of the West Lothian Biodiversity Partnership, indicates that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. It is this high clay content that most often results in the worst drainage conditions.

The Soil Sustainability Report made several recommendations for developing good practice that would reflect the importance of soil as an issue in sustainable development. These included incorporating policy guidance on soil sustainability in the development plan, and agreeing a procedure for soil management and sustainability before the commencement of specific developments on site, which would be implemented during and after construction.

### **The Development Plan**

In line with these recommendations, a policy covering the "Sustainable Re-use of Soils" has been included in the Finalised West Lothian Local Plan 2005.

Policy ENV8 states:

"On all greenfield development sites over 1.0 ha an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. Soil sustainability plans will include soil identification for after-use purposes, top-soil handling, site restoration, open space drainage and post-development monitoring".

In response to residents' complaints about flooding and poor landscaping, and to satisfy the requirement for specific development control guidance set out in the West Lothian Soil Sustainability Report the following policy will be applied to appropriate planning applications.

### **Policy Guidance**

On large greenfield sites, over 1.0 ha, full or reserved matters planning applications shall be accompanied with a soil sustainability plan, in line with policy ENV8 of the FWLLP and the guidance set out below. If an application is in outline, a condition will be imposed requiring a soil sustainability plan as part of the reserved matters submission. Subsequent smaller phases of development, which result from a larger overall site, will also be subject to these requirements.

On smaller sites, and large brownfield sites, where consultation with the council's flood prevention and environment officers has highlighted specific flooding, drainage issues, or particular reinstatement needs for landscaping and after-use proposals, conditions will be imposed which ensure soil conservation and minimise the risk of compaction. Alternatively,

consultation may raise the requirement for the submission of a full soil management plan either prior to the grant of planning consent or before work starts on site.

Plans/conditions will need to take into account the following (as identified in the Soil Sustainability Report):

- soil analysis and assessment of the development site;
- risk assessment before moving soil;
- soil archaeology assessment;
- soil identification for after-use purposes, including the opportunity to retain on site as much existing top-soil as is practical;
- top-soil handling proposals, including avoidance of compaction and movement of soils when ground conditions are inappropriate;
- storage proposals for soil, including profiling and height of soil dumps;
- site restoration proposals;
- open space drainage proposals, correction of mineral and nutrient deficiencies and soil erosion mitigation measures; and
- monitoring of soil post-development.

#### **Example of Standard Conditions**

- "During construction, the developer shall employ best practice techniques to minimise the risk of compacting sub-soil and damaging the structure of top-soil to be used in proposed garden and open space areas. When it is not possible to avoid the compaction of sub-soil, such as in the immediate environs of a proposed structure, the developer shall ensure that all debris is removed from site and intensive methods of soil cultivation and de-compaction are employed prior to the spreading of top-soil."
- "The removal of soils from greenfield sites shall be carried out in dry weather, and the stripping of top-soil and sub-soil shall be carried out as separate operations".
- "Soil which is to be re-used on the site shall be stored in soil dumps. The location, profile and height of these dumps shall be agreed in writing with the Development Control and Building Standards Manager prior to the start of soil stripping. Top-soil shall be first removed from areas on which sub-soil is to be stored, and top-soil and sub-soil shall be carefully stored in separate dumps".

## **Implementation**

The council is committed to ensuring the conservation and sustainable use of soil, as a valuable natural resource. Therefore, where conditions are imposed on planning consents, or specific working practices are recommended in approved soil sustainability plans, non-compliance will result in the council serving breach of condition notices.

In addition to imposing conditions, a best practice specification for handling of soil will be sent out with appropriate consents, in the same way that a landscape specification is currently enclosed giving more technical advice. This specification will include details such as appropriate weather and times of year for handling soil; acceptable heights of soil dumps; recommended methods for controlling weeds on soil dumps and optimum depths of top-soil depending on the eventual end use.

## **Review**

Better and tighter control over not only soil conditions, but also others such as landscaping, is likely to be brought forward through the Planning Bill, which recommends the introduction of start notices. A start notice will require the purification of conditions before any work can start on site, and is a mechanism that West Lothian Council is supportive of.

This policy guidance will be subject to review when considered necessary, in order to take into account the introduction of new legislation, and any future improvements in working practices for soil management.

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