

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/00083	Your Ref:	APP/22/00829
EH Case Officer Extn:	44 6677	Date:	20 March 2023
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/22/00829		
Site Address:	Dairy Crest Depot, Dunsbury Way, Havant		
Proposed Development:	Application for Approval of Reserved Matters (Appearance, Layout, Landscaping and Scale) pursuant to Outline Planning Permission ref. APP/18/01109, for the erection of 74 dwellings, together with communal amenity space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Fulflood Road.		

Observations / Comments:

I have briefly reviewed the application documents, and in particular the submitted revised Ridge Site Investigation Report (5012199-RDG-XX-ST-DOC-C-00SIR02). Given the time imperative for this decision, I will be as brief as possible.

Contaminated Land Assessment – Ridge Site Investigation Report

The part 2 report is a revision of the part 1 report, updated to reflect additional gas & groundwater monitoring.

Soil Contamination

The report finds that some contaminants are present at elevated concentrations, and in some cases these exceed human health generic assessment criteria – notably Benzo(a)Pyrene, Benzo(b)fluoranthene, Dibenz(a,h)anthracene, and Lead. Asbestos fibres have also been identified in shallow made ground, and that this is the case in a relatively small number of samples with a very small spatial footprint is indicative that asbestos is likely to be relatively common.

The report presents a narrative of a statistical assessment of made ground samples, assuming all made ground to comprise a single statistical population. This assessment concludes that several of the sample results are outliers – in the case of lead, this applies to 3 of 5 sampled locations. Given the prevalence of outliers across disparate sample locations, an alternative interpretation (to the ‘each represents a separate & distinct contamination hotspot-’) is that the number of available samples is insufficient to describe the population.

Whilst this alternative interpretation is not explicitly described in the report, the proposed remedial measures are precautionary, and do treat all made soils as being potentially harmful to occupants.

Ground Gas

The results of gas monitoring note slight-strong organic odours, CO₂ commonly >5% at steady state, and CH₄ (methane) at peak concentrations at combustible levels (>50% by volume). Co (carbon monoxide) is also commonly above the limit of detection, and O₂ depletion is common, to low single-digits.

tVOC (as determined by PID) is commonly around 0.40 ppm, a level dismissed as 'negligible' within the report, however I would highlight that this corresponds to a Benzene-Equivalent concentration of 1280 µg/m³, around 1/3rd of the 8hr workplace exposure limit for an adult, and an order of magnitude above the long-term average ambient exposure for domestic setting (which accounts for the risks to infants).

Recorded flow rates are low, but strongly falling atmospheric pressure events have not been captured within the available data, and so it is unlikely that the worst-case scenario has been captured.

The conclusions of the assessment are broadly agreed, namely that ground gas protection to CS₂ is required for ground-floor dwellings. Consideration should also be given to upgrading the gas membrane to a hydrocarbon-resistant product, on the basis of the tVOC values persistently recorded at several locations across the site.

Groundwater

The report presents a summary of maximum recorded contaminant concentrations in groundwater, however it is noted that the corresponding laboratory report is not appended. This means that the summary results cannot be checked for typographical or unit errors (etc.). *Prima Facie*, the summary values are favourable, and support the initially presented conceptual site model which postulates low mobility on the basis of absence of elevated concentrations within natural deposits (underlying made ground, where contaminants are present).

The groundwater assessment is broadly agreed. No proactive remedial measures are considered to be necessary for the protection of environmental receptors (underlying secondary aquifers, or the adjacent stream).

Proposed Risk Mitigation

1. Removal of made soils to specified depths, with two different specifications applicable to private garden areas and amenity planting areas, respectively.
2. A system of clean cover with separator/warning layer, to be implemented where retained made soils are present below depths specified in 1.
3. Gas protection to CS₂ for ground floor dwellings, to comprise a passively ventilated sub-floor void, and integral gas resistant membrane with appropriate construction detailing.
4. Materials Management Plan to apply to soil arisings, appropriate segregation and verification to identify site won soil that is suitable for use on the 'clean side' of the cover system.
5. Observation of a watching brief during development groundworks, to identify and address any regions of shallow contamination of a materially different character to that documented in the investigated regions of the site.

Specific proposals have not been made, and the report anticipates a requirement for a 'remediation method statement'. There are some areas that would benefit from being fleshed out, in particular I note that the proposed watching brief is not presented with any detail. As the

quality of a watching brief can vary quite widely, it might be appropriate to secure greater clarity on proposals.

The materials management and verification would similarly benefit, and the gas mitigation would benefit from an explicit consideration of an upgrade of membrane material as a precaution to manage the theoretical tVOC risk.

Condition 5 to APP/18/01109 requires at part 3 a verification plan, which the submitted document does not seek to address. I am content to accept that the Ridge Site Investigation Report satisfies the requirements of c.5 parts 1 & 2.

Procedural / Proposed Conditions

Assuming that the award of reserved matters consent presents the opportunity for new/replacement/amended conditions (to those imposed upon the outline consent), I would recommend;

That Condition 5 be substituted with the following;

[Condition X] Bespoke – Remediation Method Statement & Verification Plan

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme for mitigation of risks arising from ground contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme may comprise separate reports as appropriate, but shall be prepared by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A Remediation Method Statement based on the proposals outlined within the Ridge & Partners Report Ref: 5012199-RDG-XX-ST-DOC-C-00SIR02 (July 2021) and;
- 2) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Method Statement (1) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site &/or to the quality of controlled waters in the vicinity of the site

That Condition 6 be transposed to the reserved matters consent as **[Condition X+1]**, amended to refer to **Condition X**, rather than Condition 5.

That both compliance Conditions 7 & 8 (proposed by the EA) are transposed to the reserved matters consent as **[Condition X+2 & X+3]**. There is no need to amend the stated 'reason'.

SuDS – Pollution Risk

The comments of the LLFA & EA are noted. I have nothing further to add, and no objections are raised.

Sustainability - Air Quality & Air Quality Relevant Policy

I have briefly looked over both the Design & Access Statement and the Planning Statement, and I have run a keyword search to identify instances of words relevant to sustainability (air

quality & climate-) features which address the related NPPF policies and the provisions of the HBC interim housing delivery statement.

I note that the general sustainability credentials of scheme are relatively poor, with no specific provisions made for limiting on domestic combustion, for local micro-generation, energy leveraging (low carbon technologies) or recovery.

With respect to local policy, I have been unable to identify any specific references to;

- The provision of- & for- electric vehicle charging points, contrary to housing delivery statement Principle 5 f)
- Any description of how the required 19% reduction in of dwelling emission rate (DER) relative to the target emissions rate (TER), is to be achieved (in accordance with Principle 5 i))

Given the current status of the LP2036, and the timescale for a decision on this application, I won't expand any further on this area – it suffices to say that the NPPF 2021 provides the necessary policy hooks for the LPA to seek reductions in development emissions, including those associated with the use of the buildings, and those associated with transportation.

Conclusions

Subject to the recommendations on managing the risks posed by soil quality & soil gas, no objections are raised.

Mr. Jonathan Driver
Environmental Control Officer