

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/03703	Your Ref:	APP/22/01039
EH Case Officer Extn:	44 6677	Date:	08 September 2023
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/22/01039		
Site Address:	36 New Lane, Havant, PO9 2JL		
Proposed Development:	Construction of 6no. industrial units, within Use Classes B2, B8 and E(g), following demolition of existing buildings, to incorporate, access, parking, landscaping, and associated works.		

Observations / Comments:

It is noted that the development land was initially developed sometime between 1953 & 1960, with subsequent alterations to the configuration of buildings at the site in the years following, potentially amounting to a comprehensive redevelopment of the site as a whole.

I have not undertaken a review of the full planning history, but it is reasonable to assume a variety of tenants and landuses over this period, which may pose differing degrees of inherent contamination risk. The relatively frequent alterations to the site, coupled with the initial construction date, also pose a risk for certain groups of contaminants – in particular, asbestos, lead and poly-aromatics.

Whilst the setting of the site is predominantly commercial/industrial, a statutory main river is located within 25m of the Western boundary of the development red-line. Additionally, the site is directly underlain by a secondary aquifer, and it is known that the underlying local geology (river terrace deposits & head gravels) is capable of supporting contaminant migration over significant distances (well over a hundred metres) from the point of release, especially within granular deposits with linear & lenticular form (in a generally low permeability matrix).

It is acknowledged that the proposals are for continued commercial use, with little (if any-) material change in contaminant sensitivity – however it must also be recognised that risk benchmarks to exist for the protection of employees, and the development itself, and that controlled waters are at risk from contamination that might be present within the development land. For these reasons, it is considered to be appropriate to consider contamination risks associated with the prior (extant & former) landuses as a material planning matter to the redevelopment of the site. Assessment is expected to be proportionate, and to respond to the context of the site.

No site investigation information was submitted with the application, and no previous investigations are held by the Council in connection with prior redevelopments, to the best of my

knowledge. For this reason, a standard conditions suite is proposed.

It should be noted that a search of planning archives could materially benefit the desk-based assessment. I would also recommend that the applicant seek to ensure that the intrusive investigation seek specifically to assess the quality of groundwater encountered, and ensure that some soil samples are reserved, to be tested in the event that leach-testing is required to determine provenance of contaminants found to be present within groundwaters.

No in-principle objections these proposals subject to the inclusion of the following conditions;

Contamination (Standard) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) *A site walk-over survey &/or sufficient desk-based research to identify & summarise;*
 - *Relevant previous uses of the site,*
 - *Potentially significant features and contaminants associated with those uses*
 - *Uncertainties relating to previous use or associated potential contaminants*
 - *A preliminary conceptual site model identifying relevant sources, exposure pathways and receptors, and;*
 - *Potentially unacceptable risks arising from contamination at the site.*
- 2) *Site investigation based on (1), to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.*
- 3) *The results of an appropriate risk assessment based upon (1) & (2), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - *appropriately considered remedial objectives,*
 - *an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - *clearly defined proposals for mitigation of the identified risks.*
- 4) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) 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: *To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. The proposal relates to the redevelopment of an existing industrial site with a likely presence of contaminants within areas of the development land that have not previously been investigated. The*

site is above a secondary superficial aquifer which may be in continuity with the River Lavant. The site is additionally underlain by a principal chalk and associated SPZ1c (at depth). Alongside the health of future occupants of the development land, and the health of occupiers of adjacent land, and the integrity of the proposed buildings and services, these receptors could potentially be impacted by contamination present on this site.

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [X]** 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, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

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Mr. Jonathan Driver
Environmental Control Officer