

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/00895	Your Ref:	APP/18/00244
EH Case Officer Extn:	6654	Date:	30 March 2023
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/18/00244		
Site Address:	Colt International Ltd, New Lane, Havant, PO9 2LY		
Proposed Development:	Outline application with all matters reserved. Mixed use development comprising up to 100 new homes, including up to 40% affordable, 2860 sqm of employment floorspace and improved access onto New Lane and Martin Road. On-site parking for residential and employment uses. Landscaping to be provided, including acoustic bund to rear of employment units and naturalisation of existing watercourse (full details to be submitted at a later stage) (Approved 30.01.19) (...) Request to discharge condition 9 (04.05.22) Request to discharge condition 9 (02.03.23). RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

I have reviewed the Ground & Water Ltd. Remediation Verification Certificate Ref: GWPR4409, dated 23/03/2023. It is implicit that this document supersedes a certificate of the same reference, dated 21/02/2023, and is largely unchanged save for removal of sample results labelled 'Block B1' & 'Block B2' from the appended ALS Laboratory report.

After some internal discussions it is understood that (with reference to APP/19/01166 amended site plan drawing no. 18-197 CIE MHA ZZ ZZ DR A 0004 Rev A08);

- 'Block A' comprises plots/units 14-25 inclusive
- 'Block B' comprises plots/units 76-95 inclusive, and that;
- any descriptive references which contradict these definitions (wherever they occur) are in error.

It is also understood that referencing errors exist within previously approved verification certificates and prior consultation responses from this service, and that these have directly impacted decision-making. For clarity;

- The Ground & Water Ltd. Remediation Verification Certificate Ref: GWPR4409, dated 01/08/2023 sample number 26354224 is labelled 'Block A', but is shown on Figure 1 to have been taken from land adjacent to plots 76-95 (Block B)

- A 20/02/2023 decision notice relating to the part discharge of condition 9 was issued in reliance upon the veracity of Figure 1 of GWPR4409 01/08/2023
- GWPR4409 23/03/2023 presents the results of sample number 27533381, labelled 'Block A', is shown on Figure 1 to have been taken from land adjacent to plots 14-25, now believed to be correct, but contradicting prior reports & decisions.
- In addition to sample number 27533381, the superseded report GWPR4409 21/02/2023 also includes the results of samples numbered 27533386 & 27533392, labelled 'Block B'(1&2, respectively), without the collection positions being spatially located.
- The revised report GWPR4409 23/03/2023 omits any samples labelled 'Block B'

Accounting for the points above, it is considered likely that both samples labelled 'Block A' should have been spatially ascribed to plots 14-25 (GWPR4409 01/08/2023 Figure 1 in error), and whilst the resulting condition discharge decision was reasonable at the time on the basis of the documentation submitted, the 20/02/2023 notice should have referred to Block A plots 14-25.

It is assumed that the 'Block B' samples were taken from soils adjacent to plots 76-95, and whilst no contextual or narrative information has been included in the verification of these plots, it is acknowledged that the results of the 'Block B' samples were favourable, were intended to be 'generally representative' of placed soils, and that the decision to discharge c.9 in relation to those plots, whether or not in error, has already been issued. No health concerns arise from these errors, which are essentially administrative in nature.

In reliance upon the above-described assumptions & interpretation, I am able to advise that there is no material reason to refuse the part discharge of condition 9, and so I can recommend that the condition be discharged for units/plots 14-25.

It is understood that the outline consent condition 9 remains in force in respect of the commercial development area (which has not been begun to date), and in relation to the items of the remedial strategy which apply within the residential development area for the protection of all future residents, and which remain outstanding.

Whilst I understood that the applicant is aware of the continued effect of condition 9, for the avoidance of doubt, I would recommend that the following informatives be included on the part-discharge decision notice, to reiterate the expectation that the minimum requirements of the remedial strategy are fulfilled.

Condition 9 Informative 1

"The G&W Additional Contamination Risk Assessment & Remediation Method Statement, August 2020 (GWPR3724/CAR/[...]v1.04) ("the RMS") establishes a risk driver for a minimum standard of clean cover for amenity planting in communal areas of soft landscaping, extending the scope of the RMS and Verification Plan to include this cover separately from- and additional to- similar cover at and around plots 1-95. To date, verification documents have not included any detailed information associated with any approved materials management plan (e.g. under a definition of waste code of practice declaration DoWCOP), any documentation relating to import of topsoils for clean cover, or any narrative on the source of amenity soils for the clean cover over the retained recycled 6F2 material (whether imported or site-won). Given this, the Council's expectation is that the final discharge of condition 9 in relation to the red-line area for the residential development phase will require some form of verification of soil cover in soft landscaped areas. This could take the form of source-site verification or supplier certification, or post-placement sampling, as appropriate. If post-placement sampling is preferred, it is considered that at least 2 samples should be collected. It will be acceptable to focus upon the area of soft landscaping which represents the 'exposure worst case', e.g. the Public Open Space located between plot 34 & the Electricity Substation Enclosure, considered most likely to attract regular visits by the most vulnerable receptors (infants) for play."

Condition 9 Informative 2

“The G&W Validation Report & Further Groundwater Risk Assessment Report, (GWPR3514/VGRA/April 2020 [v1.01]) (“the VGRA”) documents source removal works in the vicinity of trial holes WS1 & TP202, located within the commercial development red-line area. Notwithstanding the previously identified controlled waters risk, it is noted that the works described were undertaken principally to address risks to human health, and as a consequence, the maximum depth of source removal works was shallower than some of the documented visual & olfactory evidence of contamination in this area of the site. The VGRA is heavily reliant upon results from a single groundwater sample taken from a re-installed borehole [BH5] to support its conclusion that significant risks to the local surface water may be dismissed. The Council has not accepted this conclusion to date, noting the spatial scope of remediation works and exceedances of indicative Environmental Quality Standards within the watercourse which may point to continuity between local groundwater and this surface water. It is for these reasons that condition 9 has not been discharged in respect of the Commercial development area, and it is considered that the dismissal of controlled waters risk should be supported by a more robust evidence base. A short programme of repeat monitoring from surviving wells may be sufficient to provide sufficient comfort that the relied-upon result is representative”

Jonathan Driver
Environmental Control Officer