

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/03072	Your Ref:	APP/21/00405
EH Case Officer Extn:	44 6677	Date:	14 March 2023
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/21/00405		
Site Address:	Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA		
Proposed Development:	Proposed Development: Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1). (25.08.21). Request to discharge conditions 4,7,9,10,11,12,13,14 & 15 (06.09.21). Request to discharge conditions 5 & 6 (24.12.21). Request to discharge conditions 4, 5, 6, 7, 12, and 20 (received 15/08/2022). Request to discharge conditions 16, 17, 19 (received 30/08/2022). [Condition 16, Verification of Remedial Works]		

Observations / Comments:

Documents reviewed for the purposes of this application;

- Envirotreat DJS/Hav/RMS/0 Feb 2022 Proposed Remediation Method Statement (received with ETL/DS/100 May 2022)
- Envirotreat ETL/DS/100 May 2022 Interim Remediation Verification Report
- Envirotreat ETL/AN/043 Aug 2022 Ground Gas Risk Assessment
- Envirotreat ESL/SSF/101 Sept 2022 – Watching Brief Verification Report

I have also reviewed prior consultation comments, and made reference to The Clancy Supplementary Site Investigation Report & Remediation Strategy (10/1425/004 & 005 respectively, both November 2021).

It should be noted that the remediation strategy approved under the decision to discharge the related condition 9, is the Clancy 10/1425/005 rev.01 document. The condition 16 submission verifies alternative works to those approved. The applicant is reliant upon the 'compliance' clause of the condition 9 wording (*'All elements shall be adhered to unless agreed in writing by the Local Planning Authority'*) to accommodate this change in approach (in line with prior comments, our ref: CONS/22/04159 15/02/2022, the text of which is quoted in DJS/Hav/RMS/0)

Envirotreat ETL/AN/043 Aug 2022 Ground Gas Risk Assessment

The report (GG-RA) presents the results of additional ground gas monitoring undertaken over

three monitoring events at newly installed monitoring locations in relevant areas of the site. The results are favourable, and sufficient to support a decision not to upgrade the derived gas screening values on a precautionary basis, as was recommended in 10/1425/004 & /005.

This has the effect of omitting precautionary gas protection measures to measures from the remediation strategy. This approach is supported on the basis of this report.

Envirotreast DJS/Hav/RMS/0 Feb 2022 Proposed Remediation Method Statement

Whilst the remediation method statement (RMS) uses language which implies that it has been submitted to & approved by the LPA, I have found no record that this is the case. This document was received as an appendix to the ETL/DS/100 May 2022 report.

The RMS describes the works verified in the subsequent interim & watching brief reports. As this document pre-dates the ETL/AN/043 gas risk assessment, it assumes that gas protection is to be included within the consented buildings. This remedial proposal is modified by the conclusions to that report (outlined above).

It is also worth noting that the spatial scope of the document is limited in that it does not relate to the entirety of APP/21/00405 consent area, rather it relates to the area identified as 'Southwest' on Figure 3 of the Envirotreast ESL/SSF/101 Sept 2022 report. The strategy specifically states that the *'identified hotspot around WS2 is outside the proposed development area and is not considered further in this strategy'*. This is a material consideration insofar as the following verification documents have been guided by the content of this RMS, rather than the approved Clancy Remediation Strategy.

The remedial works proposed in this document are the stabilisation & solidification approach (previously agreed in principle by Environmental Health, subject to details) which has been undertaken and is recorded in the ETL/DS/100 May 2022 interim remediation verification report (I-VR).

No in-principle objections arise in respect of the proposals of this alternative RMS.

Envirotreast ETL/DS/100 May 2022 Interim Remediation Verification Report

This document (I-VR) reports upon the stabilisation/solidification works in the vicinity of the former fuel storage area, near WS5.

Delineation work appears to confirm that the source derives from the previous use of the development land, and not from an off-site (outside-) source. It also appears to confirm a limited vertical and lateral extent.

Following stabilisation works, leach tests undertaken on representative samples all returned hydrocarbon values below the limit of detection (<LOD). Contrary to the recommendations of the DJS/Hav/RMS/0 RMS, neither the delineation or the verification sampling included a metals suite, instead focussing upon liquid-phase hydrocarbon contaminants (TPH-CWG speciated & BTEX + MTBE). Environmental Health accepts that stabilisation techniques are typically more effective for metallic contaminants than for hydrocarbons, so the omission from the sampling suite is not regarded to be a material barrier to the discharge of condition 16 in & of itself.

Envirotreast ESL/SSF/101 Sept 2022 – Watching Brief Verification Report

This document (WB-VR) reports on the proactive observational monitoring of site enabling works, alongside the assessment of the suitability of stockpiled excess material. It's stated scope is broader than the watching brief during remedial works which is described within the

Envirotrat RMS, including both a 'watching brief' during enabling works during enabling works, and the operation of a 'discovery strategy' during the development of the southwest corner of the site corner (taken to have the same meaning as shown in Figure 3 of the Envirotrat ESL/SSF/101).

Additionally, section 9 of the WB-VR reports on enabling works outside of the boundary of the southwest corner, in the vicinity of the second hotspot area identified in the approved Clancy Remediation Strategy ('RS' Ref: 10/1425/005rev01) as requiring remediation (WS2). It is unclear whether the reporting in this area is intended to negate the previous recommendation (to remediate soils in the vicinity of WS2), but this appears implicit from the both the general context & the concluding sentence '*Therefore, presenting a low risk to groundwater*'. Table 1 of the WB-VR provides a summary of Clancy's delineation testing around WS2, showing significant concentrations at WS2 (TPH >0.9g/kg), and 'no noted impact' at the surrounding delineation trial holes (WS19-WS23).

I was aware that Clancy took account of results from these trial holes when making it's recommendation, so the values presented in Table 1 seemed at odds with the prior conclusion. Having checked the previously approved Clancy RS, it is apparent that Table 1 omits results from depths where significant concentrations were noted in given trial holes (e.g. WS20 @ 2.5m, >1.5 g/kg), or contained errors (e.g. WS21 TPH @ 2.7m, WS23 @ 1.0m).

The implicit conclusion is not considered to be sound, accounting for the omitted values & the visual /olfactory evidence of contamination noted at WS19. The hotspot is similar in character to the treated area (WS5, reported in I-VR), and it is not entirely clear that the enabling works were coincident with the affected locations, either laterally, or vertically.

The WB-VR concludes that '*no unsuitable soils were observed during the enabling works*', and this conclusion is accepted. It is noted however that this conclusion is limited to the 'enabling works', and it is not clear that the WB-VR document is intended to be sufficient to document the full extent of the intended surveillance (e.g. to include the 'discovery strategy' during the development of the southwest corner of the site).

Given this slight uncertainty, I've reviewed the previously approved remedial actions to establish whether they are adequately covered by the scope of the submitted I-VR & WB-VR documents – see the table below.

Requirement / Proposal	How addressed in the Envirotrat documents (RMS, I-VR & WB-VR)
[1] (RS) Removal of Hotspot around WS5	RMS – recommends delineation of TPH/PAH/Heavy Metals around WS5, and use of stabilisation in preference to removal I-VR – documents stabilisation works & verifies successful completion
[2] (RS) Removal of Hotspot around WS2	RMS – recommends delineation of TPH/PAH/Heavy Metals around WS2, and use of stabilisation in preference to removal I-VR – WS2 outside of scope, not considered further WB-VR – Appears to be qualitatively dismissed on basis of visual/olfactory evidence & PID screening during drainage works. Delineation not undertaken, no clear argument presented to justify amendment to either the approved RS, or the proposed RMS.
[3] (RS) Collection & Analysis of soil samples from formation level across the site	RMS – omits this element without explicit discussion of why the omission is justified. I-VR – action not reported WB-VR – action not reported

[4] (RS) Provision of 300mm clean soil cover to formation level in all soft landscaped areas (minimum 150mm topsoil)	RMS – omits this element without explicit discussion of why the omission is justified. I-VR – action not reported WB-VR – action not reported
[5] (RS) Verifying quality of imported materials	RMS – omits this element without explicit discussion of why the omission is justified. I-VR – action not reported WB-VR – action not reported
[6] (RS) Gas protection suitable to mitigate CS2	GG-RA – dismisses need RMS – omits this element on the basis of the GG-RA
[7] (RS) Protection of Potable Supplies (use of Barrier pipe or protected service trench)	RMS – omits this element without explicit discussion of why the omission is justified. I-VR – action not reported WB-VR – action not reported
[8] (RS, RMS) Watching Brief...during groundworks in general / development	I-VR – not reported, document covers hotspot removal only WB-VR – not reported, covered enabling works only, not construction activity (e.g. monitoring of foundation excavations / piling arisings)

With reference to the table above,

- [1] Adequately addressed
- [2] Not omitted from the proposed RMS, but not adequately addressed by either the I-VR or WB-VR. Outside of scope of the stated spatial scope of either of these documents. Assumed still to be covered explicitly in a future development phase. **Requires either;**
 - i) this action to be dismissed by structured & evidenced argument, or
 - ii) removal or stabilisation works to be undertaken and verified.
- [3] Implicitly omitted. It is considered that the purpose of this item was due to a suspicion that additional sources of contamination exist within the boundaries of the site that have not been identified by soil sampling undertaken to date. This is based upon the elevated concentrations noted in groundwater at WS9, BH5 & WS14, some 150m from identified hotspots. Given that this element forms part of the previously approved RS, I think that omission **requires a specific justification in the proposed RMS.**
- [4] It is considered that the purpose of this item is to protect human health, for the same reasons as [3] above. Given the commercial setting, the depth of soil provided is more of an amenity- rather than a contamination- issue, and omission from the RMS is not necessarily considered to be problematic, though omission would be premised on an agreement that commercial GAC are unlikely to be exceeded in the formation-level (FL) to FL-1.0m. A review of existing trial hole & validation data would probably be sufficient to justify omission.
- [5] As [4], this provision was primarily for the protection of human health, to ensure good discipline in materials management (e.g. with respect to material from identified hotspots, previously to be excavated). Modification of this requirement to evidence the source & quality of imported materials (e.g. by means of supplier certification) is likely to

be appropriate, given the stabilisation approach to remediation of hotspots, and given the quality of the watching brief evidenced in the WB-VR for work phases undertaken to date.

- [6] Dismissal from proposed RMS is agreed to be justified.
- [7] Having reviewed the VOC/sVOC results from previous phases of site investigation, this item is considered prudent. It is considered **necessary to either;**
- i) Secure confirmation from Portsmouth Water Company, following it's review of the available TPH, PAH, BTEX + MTBE & VOC/sVOC results, that hydrocarbon-resistant barrier pipe (or other supply pipe protection) is not considered to be necessary, or;
 - ii) Dismiss the need for this measure by structured & evidenced argument (e.g. through a review of existing trial hole & validation data, show that contaminants of concern are not coincident with the target installation depth for potable supplies), or to
 - iii) Evidence the installation of suitable barrier-pipe for potable supplies, or the use of appropriately lined & protected service trenches
- [8] With reference to the suspicion that a previously unidentified source of contamination may exist elsewhere at the site (as suggested by elevated concentrations in groundwater some distance from identified hotspots, accounting for the context of the delineation sampling completed in the vicinity of those hotspots-), this item would appear to remain necessary. It is not expected to be possible to verify this element until completion of the construction phase groundworks (foundation excavation/piling). I am aware that Envirotreat were pushing for confirmation of the LPA's acceptance of the GG-RA, which suggests that construction may have already progressed to the stage of casting slabs. As this measure is included in both the approved RS & the proposed RMS, so it is expected that it would not have been omitted from any amended scope of work, and consequently it is expected that it will simply be a matter of including any existing written / photographic / narrative records from this phase within a revised version of the WB-VR. Where construction has not yet proceeded this far, the appropriate time to seek discharge of c.16 would be upon completion of all construction groundworks within a given development phase (at which time a VR report would be able to address this part of the approved RS (or any replacement to it, under the c.9 compliance clauses).

Conclusions;

- The conclusions of the Envirotreat ETL/AN/043 Aug 2022 Ground Gas Risk Assessment are accepted
- The Envirotreat ETL/DS/100 May 2022 Interim Remediation Verification Report is agreed to demonstrate effective mitigation of the hotspot at the former fuel storage area (WS5)
- The Envirotreat ESL/SSF/101 Sept 2022 – Watching Brief Verification Report is agreed to show that no unsuitable soils were identified during the enabling works, and that stockpiled soils are suitable for re-use at the site.
- The Envirotreat DJS/Hav/RMS/0 Feb 2022 Proposed **Remediation Method Statement is not agreed in full**, on the basis that it omits previously approved remedial or risk mitigation measures without explicit discussion or justification
- Given that the I-VR & WB-VR seek to verify works described in the proposed RMS, which for the reasons above is not accepted in full – **these are by definition not adequate to meet the full requirements of condition 16** (e.g. 'the report shall... include result of

sampling and monitoring carried out in accordance with the approved verification plan...')

- Given that neither the I-VR nor the WB-VR include any statements or evidence in respect of construction-phase groundworks, **neither document meets the full requirements of either the approved RS or the proposed RMS.**

On the basis of the above review, whilst the submitted assessment and verification documents are favourable, and are accepted - it is considered that we are not quite at the point of being able to recommend discharge of c.16. This is primarily due to the extent of changes to the approved RS (represented by the proposed RMS), but also due to the development not being at the point where all construction phase groundworks could be said to be complete (to the best of my understanding) – certainly, there is no evidence or statement to this effect included within the documents that the LPA is being asked to approve in support of the discharge of c.16.

Condition 16 should remain in place until the above items numbered [3], [5], [7] have been resolved within the proposed RMS, and a statement can be included within the/a WB-VR in respect of item [8].

Any future approval of c.16 on the basis of the I-VR & WB-VR should in any event be partial, with specific reference to the stated spatial scope (figure 3, red-line area identified as 'southwest'), unless amended to include details in respect of the WS2 hotspot (in which case a partial discharge by phase description or specified planning red-line area might be more appropriate)

Mr. Jonathan Driver
Environmental Control Officer