

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/02563	Your Ref:	APP/18/00244
EH Case Officer Extn:	44 6677	Date:	16 February 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)		

Observations / Comments:

I have reviewed the submitted documents referenced GWPR4409/VLR/April/2022 (20/04/2022) (Plots 1-12 & 26-53), and GWPR4409/VLR/August/2022 (01/08/2022) (Plots 54-74 & Block A). Reference has also been made to prior consultation comments (APP/17/01001, APP/18/00244 & APP/19/01166), and documents referenced 1) - 10) in consultation comments made 08/09/2020 (our ref CONS/20/02321).

I note that the GWPR4409/(...) documents have not responded to comments made directly to Ground & Water in June '20. The scope of the verification documents falls short of the previously approved RMS, insofar as it does not include a description of the removal & re-placement of the previously placed partial cover in areas of the site requiring a reduced dig, or similar works in areas of the site requiring a ground level-raise. It must be assumed that this was done under the supervision of G&W, and that the applicant is satisfied that made soils from the elevated region in the North of the site have not been placed 'clean side' of the cover system in the central portion of the site, as no records are presented to record volumes excavated, placed, or exported from site.

The verification reports also make no reference to the installation of a geotextile separator to prevent mixing of materials above & below the placed granular material. As previously advised, the omission of a geotextile separator undermines the function of the placed granular material, and represents an 'exposure reduction' strategy rather than the previously approved strategy of 'isolating the receptor from source'. This is probably sufficient to meet the minimum policy standard required by NPPF 2021 183 b), but it does represent a lower degree of protection over medium-long term. This risk is mitigated by the relatively generous depth of placed soil. Supplier quality certification for imported material has not been provided, but it is noted that the minimum agreed in-situ sampling rates have been achieved, and the one exceedance of screening criteria noted has been robustly dismissed as an outlier.

Whilst reservations have previously been expressed about the contribution of identified contaminants present within the residential portion of the wider site, insofar as the potential for ongoing leaching to the underlying secondary aquifer – it is acknowledged that the ‘cover in situ’ strategy was previously agreed for this area of the site.

Given this, it is considered that the minimum requirements of the previously approved remedial scheme have been met, and *I can therefore recommend the partial discharge of c.9 on the spatial basis proposed (in relation to the specified plots).*

Notes on future phases

It is considered that several of the comments made in 08/09/2020 (our ref: CONS/20/02321) remain valid, insofar as they relate to the controlled waters risks.

The conceptual site model (CSM) outlined on Drawing no. GIS010 – A (Campbell Reith Hill 12663 February 2019) has not been refuted by subsequent risk assessments, and it is noted that both groundwater and surfacewater monitoring are not inconsistent with the occurrence of a degree of leaching of contaminants from the wider site to the Lavant; a pathway which may not be broken by the hard-engineering of this section of the channel. I would also highlight that the descriptions ‘upstream’ and ‘downstream’ (in respect of surfacewater samples) relate to the position of the monsoon drain headwall, and do not refer to positions relative to the site boundary. With reference to the Campbell Reith Hill CSM, both samples SW4 & SW5 are downstream of potential diffuse contributions of the site to the pollutant loading of the Lavant, and so contributions from the site might be reflected in either sample. Elevated Cyanide was previously noted in both samples, and elevated Chromium was noted in the upstream (and both contaminants are present in groundwater samples from the site, close to the receptor).

I note that earlier Environment Agency comments took a cautious approach to controlled waters risks, whereas later comments have been characterised either by largely unqualified ‘no adverse comment’, only explicitly referring to an absence of risk to the principal aquifer. Whilst the Agency does refer to the source removal works around the trail hole WS1, it is not clear that the works have been reviewed in detail, nor that the Groundwater & Contaminated Land specialist has been made aware of the concerns raised about the scope of those source removal works (being limited to the mitigation of identified human health risks), or the argument in support of the alternative CSM which accounts for the potential for a broader distribution of contaminants than the two-hotspot model presented within the submitted reports. Given the relative brevity of the Agency’s recent comments, it is not clear that risks to the secondary aquifer and local surfacewater have been expressly considered and dismissed.

My advice that the Council may rely upon the opinion of the Agency in overriding the concerns raised about this potentially-active pathway, provided that the Council is satisfied that the Agency has explicitly considered all the pertinent information.

As it currently stands, no further remedial works are proposed for the commercial-development phase, but conditions 8 & 9 have effect in this area and will require discharge. This portion of the site is a mid-point between the potential (‘diffuse’) source and the receptor (Lavant), relative to the assumed-hydraulic-gradient (illustrated in the Campbell Reith Hill CSM). This area of the site also includes the identified hotspot at the position of WS1, which has been partially removed (as documented within GWPR3514/VGRA/April/2020/v1.01). Whether the completed source removal works provide adequate betterment, and whether the diffuse inputs model could be regarded as significant in respect of impacts upon the surface water will be material to discharge of conditions 8 & 9 for the commercial-development phase.

As previously advised, dismissal of such risks could be by means of structured argument (e.g. based upon existing data, possibly considering a low-tier dQRA for a worst case determinand), by measurement (e.g. groundwater monitoring from surviving boreholes, repeat sampling of the

Lavant including a sample upstream of the site etc.), or through obtaining confirmation from the Agency that the highlighted concerns have been considered and dismissed as likely to represent either a negligible or at least an acceptable contribution to the pollutant loading of the Lavant (as outlined in CONS/20/02321).

These items are not material to the residential-development phase under the current risk mitigation strategy, and so will not need to be addressed in applications to discharge c.9 for additional residential plots.

Mr. Jonathan Driver
Environmental Control Officer