

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/02053	Your Ref:	APP/20/00529
EH Case Officer Extn:	44 6677	Date:	02 September 2020
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/20/00529		
Site Address:	Unit 3, Station Approach, North Street, Emsworth, PO10 7PW		
Proposed Development:	Single storey extension as a continuation from the existing warehouse with the addition of a single storey link building between the two, new parking platform near the entrance to building. (Revised).		

Observations / Comments:

Environmental Health provided comments against the withdrawn application APP/20/00061. Please refer to those comments for completeness – I will briefly summarise matters raised where relevant to this application.

Flood Risk / SuDS (Pollution)

The LLFA previously requested additional detail in respect of pollution control and limitation of runoff rates. I note that it has not provided comments / recommendations on this occasion, having screened out the application on the basis of scale / quantum.

The proposed drainage solution is to utilise a gravity-fed above-ground attenuation tank receiving roof water from the proposed extension. The tank will discharge at a controlled rate to the existing private surface water drain on site. This drain communicates with the public surface water sewer.

The proposed use of the site, and in particular the scale / arrangement of its service yard-, are such that it is considered unlikely that any enhanced pollution control features are required for surface water drainage. It would appear that it is possible to comply with the runoff requirements by controlling the discharge rates from roofwater (only-, as proposed). I would agree that roofwater may be regarded as uncontaminated provided that the roof panelling to the proposed building does not comprise raw zinc or copper sheet.

This surfacewater drainage design is compatible with the contamination conceptual site model, and so is supported.

The groundwater risk assessment is not considered to be sufficiently robust as to demonstrate an acceptably-low risk to off-site receptors, and so I would highlight that the limited favourable sampling presented would be insufficient to support an infiltration drainage solution (further

comments on contamination risk below). It is recommended that the drainage strategy is secured by listing the June 2020 UNDA Report Ref: 89530-TFD-StationApprch-190620-v1.0 as an approved document.

Transport Assessment (Air Quality)

It is understood that the applicant is retaining a trade counter within the existing warehouse, but that no intensification of either customer footfall or logistics trips is anticipated. The Transport assessment argues that there is significant redundant haulage capacity within the vehicles already visiting the site, and that this is sufficient to accommodate the intensification of business activity that the proposal will facilitate.

I note that the Highways consultee has agreed the layout / vehicle tracking information presented, and this addresses observations previously raised by Environmental Health about site access arrangements.

The transport demand of the business is sufficiently low as to be considered negligible in emissions / air quality terms.

Air Quality - Mitigation of Emissions associated with new development

Emerging policy E23 does not apply to this development, as a result of its scale. However, I note the proposal to include a PV array at roof level, which is supported as a positive feature for local air quality.

Contamination Risk

The Soils Ltd. main investigation report ref 17974/MIR_R27 (Dec 2019) was reviewed under APP/20/00061, and has been resubmitted without amendment.

The Soils Ltd. Supplementary testing & qualitative groundwater risk assessment (letter report) ref 17974/LR (19/06/2020) was commissioned in response to comments provided by Environmental Health under APP/20/00061.

The report outlines results from one no. groundwater sample, taken from WS1 at a depth of >3.5m BEGL (groundwater level corresponding to natural soils at this location). WS4 was finished as a well, but was dry at the time of sampling.

The sampling suite selected was comprehensive, and the results were favourable. Clinker is present throughout the profile of Made soils at WS1, but the position lacks the olfactory evidence of hydrocarbon impact present at WS4, yielding the substantially elevated PAH results obtained from shallow soils at this position (deeper soils not tested, base of made ground not proven).

It is perhaps not surprising that WS4 was dry – made soils are described broadly as ‘sandy, slightly clayey gravel’, and the well was not terminated in cohesive deposits (depth of made soils not proven).

For this reason, it is unclear whether the groundwater in WS1 represents water which has percolated vertically through local soils, and accumulating in the low permeability cohesive natural soils (i.e. representative of leaching from made ground-), or whether the hydraulic conductivity of cohesive soils readily permits lateral migration of water that has not passed vertically through the made soils at the site. The EA classifies the superficial geology as a Secondary A aquifer, so it is possible that the water sample is not representative of made soils at all.

It is considered inevitable that there would be some hydraulic continuity between the made & natural cohesive soils, and so it would be unreasonable to dismiss the result entirely. However, it would similarly be inappropriate to regard the sample results as fully representative of the rates at which contaminants are capable of being liberated from made soils under a 'mobilisation by vertical percolation' mechanism.

The risk assessment presented within the 17974/LR report is very narrow, considering the chemical results only, and does not adequately consider the limitations of the sample itself, or the implications for the conceptual site model.

I regard the results presented as a helpful but inconclusive steer, providing support for additional fieldwork which includes analysis of leachate from representative samples of made ground underlying the Southern half of the site. In combination with preceding reports, this would provide a robust assessment of mobility, but would require additional intrusive work.

It is unclear from a policy perspective whether the supplementary sampling is sufficient to satisfy the requirements of NPPF paragraph 178 b). It is possible in principle for the developed site to subsequently be determined to be Contaminated Land within the meaning of Part II A of the EPA 1990, so an argument could be made for the existing information being inadequate to satisfy NPPF requirements. However, this could similarly apply to the existing warehouse at unit 3, as well as units 1 & 2.

As has previously been indicated, it is possible that the development could prejudice remediation – certainly it would reduce the list of available remedial options and could be disruptive to operations on site. Again, this would similarly apply to the existing units on Station Approach, and that these concerns might not apply to a barrier solution (notwithstanding that, in the event that remediation is subsequently required, -installation of a barrier on a railway-adjacent embankment is likely to be challenging in engineering terms)

The proposed scheme does not represent a comprehensive redevelopment within the application red-line, and the contamination source is not likely to be limited to the development red-line area. Should it prove to be necessary, remediation of this portion of the site is not likely to address the entirety of the contamination risk represented by this significant deposit of made soils; and the burden of remedial costs could be significant as a proportion of the value of development. This provides an argument both for confirming contamination risk prior to determination (in order to ensure that any decision, and any conditions attached to it, are rational), and for the proportionate response being to accept the presented groundwater results as 'pointing toward' contaminant mobilisation as being 'likely to be low', and to rely upon the scheme not having entirely prejudicing the possibility of remediation in the event that it becomes necessary.

Ideally, I would require confirmation of leachability of contaminants from the made soils, secured by means of a Grampian-style condition of development, but I would accept that there is a balanced planning judgement to be made.

I do not have sufficient information to dismiss the possibility that the site may be contributing unacceptable concentrations of contamination to the local secondary aquifer and local watercourses in hydraulic continuity. I similarly don't have sufficient information to conclude that remediation is necessary, as the only available result is favourable, and is likely to be at least partially representative of contaminant contributions from the site (to groundwater)

In the event that the Planning Service is minded to make a positive determination on this application, and is sufficiently comfortable on the proportionality of using a Grampian Conditions to secure the necessary fieldwork & risk assessment to determine whether remediation is necessary (and a remediation within the red line area, should the risk assessment indicate that

this is necessary-); then I would recommend the following conditions be applied;

Contamination (Bespoke – omitting EDS, based on prior reports) [1]

Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), a supplementary assessment contamination risk shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be based upon the information presented within the Soils Limited Reports referenced 17974/PIR, 17974/MIR_R27 & 17974/LR 19/06/2020, 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) Site investigation appropriate to both the previous & approved use of the site, 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 both future occupants and contamination sensitive receptors outside the curtilage of the development land.*
- 2) The results of an appropriate risk assessment based upon (1), 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.*
- 3) 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: *The site is underlain by a significant depth of Made Soils known to contain elevated concentrations of contaminants. Insufficient information has been submitted to date to confirm that contaminants present within these soils do not represent an unacceptable risk to contamination -sensitive 'receptors down topographic slope', or 'down hydraulic gradient'- of the site. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** 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.

Reason: *The site is underlain by a significant depth of Made Soils known to contain elevated concentrations of contaminants. Insufficient information has been submitted to date to confirm that contaminants present within these soils do not represent an unacceptable risk to contamination*

-sensitive 'receptors down topographic slope', or 'down hydraulic gradient'- of the site. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Mr. Jonathan Driver
Environmental Control Officer