

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/00606	Your Ref:	APP/18/00596
EH Case Officer Extn:	44 6677	Date:	14 April 2020
DC Case Officer:	Mr. Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/18/00596		
Site Address:	Deer View Lodge, Copse Lane, Hayling Island, PO11 0QB		
Proposed Development:	Prior notification for change of use from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination. (29.08.18). Request to discharge conditions 2 and 3 (18.12.19).		

Observations / Comments:

Comments here relate to the Apple Environmental Ltd. Land Contamination Site Investigation Report Ref: CL/2939/DV.

The report identifies 4 contaminants at levels marginally in excess of their respective generic assessment criteria (GAC), associated with two separate locations (of 3), all associated with shallow made soils (though in the case of TP.03, it is possible that the result is characteristic of made soils to >400mm depth.

As a result of these findings, the report concludes that either;

- i) Remediation is necessary, comprising soil removal, protection of vulnerable buried services, and specification of sulphate resistant below ground materials (all requiring verification) or;
- ii) Additional 'delineation' sampling is required to limit the extent of remedial works.

In either respect, it is clear that it is not appropriate to discharge c.3 (verification) at this time, as recommended remedial works (i) have not yet been undertaken, or the scope of works actually required (ii) have not yet been determined, so we cannot agree a verification plan (c.2 Pt.3).

In respect of c.2, it is not clear which proposal the LPA is being asked to approve, and consequently, what action the applicant is expecting to take.

The report suffers from a relatively low sampling density - insufficient to statistically characterise soils, and certainly not to zone the site in terms of remedial strategy. As a consequence, the suggested remedial works are essentially based upon a sample (in each affected location), and where exceedances of GAC are marginal, may lead to an over-specification of remedial work.

The report acknowledges this, but frames the alternative from an assumption that the GAC exceedance means that remediation is necessary, and so in terms of '*optimisation of the scope of remedial work*', and not '*to determine whether remedial work is necessary at all*'.

It is worth noting that pursuing remediation without further testing commits the applicant to a level of sampling that would probably exceed that undertaken to date, as well as the remedial work which may or may not be required. Were it my role to advise the applicant, I would suggest bringing forward those samples with a view to supporting a statistical characterisation of soils and (where remediation is necessary-) to reducing the spatial extent of remedial work.

The reason for this is that from the descriptions included in the report, the test results and the test methods employed - the results may overstate the 'real-world' risk, but we don't have enough information to conclude that this is likely. In the absence of further information, we would have to default to the side of caution.

Recommendations

If this application is to be positively determined, HBC would be doing so on the basis that the remediation strategy described in 9.2, will be undertaken in the areas identified in Figure 4, and that the incremental verification plan with commensurate levels of verification sampling to support it (inclusive of verification of imported topsoil).

In this case, it would be appropriate to discharge c.2 in full, and to refuse to discharge c.3, on grounds that the applicant has not implemented the RMS, or submitted a verification report.

I would however recommend that confirmation be sought from the applicant that this is the intended effect of the application, especially in light of the interpretation & suggestion given above. I would highlight that c.2 Pt.2 (second bullet) includes the text '*...with due regard to sustainability*', and that the essentially precautionary removal of a substantial volume of soil has poor regard to sustainability where additional sampling is not unlikely to avoid the need to dispose of such volumes, and may serve to avoid the need for ongoing planning control altogether.

My preference would be for additional data collection. I would consider that the planning response should be led by the applicant, following consideration of the relative benefits, disbenefits and risks of each approach.

My apologies for the lack of clarity in this response, however this reflects the approach of the submitted report to it's recommendations.

Mr. Jonathan Driver
Environmental Control Officer