

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/00004	Your Ref:	APP/19/01166
EH Case Officer Extn:	44 6677	Date:	13 February 2020
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/19/01166		
Site Address:	Colt International Ltd, New Lane, Havant, PO9 2LY		
Proposed Development:	Reserved matters application following Outline Planning Permission APP/18/00244 relating to access, appearance, landscaping, layout and scale for residential development of 95 dwellings and discharge of requirements of conditions 15 (vehicular access points) and 16 (pedestrian and cycle links).		

Observations / Comments:

Firstly, my apologies for missing the consultation window by such a wide margin. I have now found opportunity to review the application & it's supporting documentation, and would like to make comments as follows:

Summary;

- Proposals 'fall short' with respect to emerging 'air quality relevant' policy (e.g. IN3, E12, E23). PPUD concerns are supported.
- Landscaping scheme represents material site betterment from an air quality perspective (relative to previous use). No obvious opportunities for enhancement identified. No adverse comment.
- SuDS / drainage - no adverse comment in respect of pollution control measures. Environmental Health should still be consulted on the commercial phase drainage scheme when submitted. No adverse comment for this application.
- Contamination. Remedial method statement broadly agreed in principle, though I have some concerns relating to the characterisation of risks at the site which underpin the scope & scale of proposed works.
- A robust screening process is required during removal of identified contamination 'hot-spots'/ This should account for the possibility of a wider spatial area of impact, impacted natural soils (not to rigidly restrict works to made ground), and the risk to controlled waters as characterised in the CRH report ref: 12663.
- A robust watching brief is required during all groundworks, in particular in respect of the risk of asbestos content in made and disturbed soils. It is recommended that an enhanced / more specific provision is secured either prior to approval of the Phase 4 report, or under separate cover as an addendum to the report (secured by condition).
- The detailed comments (below) outline expectations for source-removal works, the application of site screening levels.
- Levels of evidence proposed for verification of source removal & risk mitigation works are

generally acceptable. Enhancements in respect of demonstrating a robust watching brief may be 'rolled into' the enhanced proposal being sought in this respect ('robust watching brief').

- Outline Condition c.8 may be omitted from any consent granted, subject to c.10 being transposed, and a condition to the effect of the wording suggested as a substitute to outline consent c.9. Wording suggested is bespoke, and is designed to manage the uncertainty, and facilitate the award of consent without the need for detailed dialogue on amendments to the submitted report / proposals. An explanatory informative is also suggested. Other approaches are possible;- highlighted in the detailed comments.

Transport / Air Quality

Cycle storage arrangements appear to be SPD compliant, and sufficiently conveniently located so as to ensure that travel by cycle is unlikely to be hampered by the location of the provision.

The comments of the landscapes consultee in respect of cycle link requirements are noted, and I assume will be taken forward on the basis of the 'transport & access' need.

I would also highlight (and support) the comments of the PPUD consultee, particularly with respect to shortcomings against emerging local policy, especially IN3(ii), but also in respect of E12 & E23. Advice/recommendations were made at the outline stage to inform the kind of design response which was hoped for (E23 in particular; E12 relevant).

The submitted documents do not specifically address energy / carbon / combustion within the proposals, and I would assume from the omission of specific details that the intention is to provide conventional fossil/combustion heating & cooking services without LZC (low- or zero-carbon) support (e.g. from direct solar or through recovery of waste heat). Were the emerging policies in force / carrying full weight at the time of application, it is likely that the current proposals would be considered to be insufficient. Whilst it is accepted that there is a need to balance the proposals against the interim status of the emerging policies, I was expecting some consideration of these issues at the reserved matters stage, and it is unclear whether a 'no response' is acceptable/sufficient under the draft local plan. This is ultimately a planning decision, and these comments simply aim to highlight the omission.

More positively, I do note that the landscape strategy delivers site betterment (in terms of its contribution to local air quality) than did the previous landuse. Street, Feature, Ornamental (Garden) and Woodland area planting is proposed alongside some green boundaries (hedging), and the retention of the existing mature buffer-planting / screening to the site. A good mix of UTAQS species is proposed, with some listed species represented in all planting types, across a range of Low/Med/High categories. No specific landscape enhancement opportunities are noted / have been identified, and I therefore have no material / adverse comments to make with respect to the landscape scheme.

SuDS / Drainage Provision (Pollution Control)

A draft scheme was reviewed at the outline stage, and Environmental Health made a recommendation for detailed drainage scheme to be subject of a planning condition. This was principally for the purpose of ensuring that the commercial element of the scheme contained sufficient pollution control elements - there were no significant concerns about the residential phase of the scheme, and as expected, the scheme has implemented a permeable surfacing solution to address the low risk from private driveways & low traffic roads.

As the present application deals with the residential portion of the scheme only, I have no material comments to make.

Contamination & Hydrogeological Risks - General & Assessment

I concur with the view of Portsmouth Water Company on the likely level of risk posed to the principal aquifer (being acceptably low>negligible irrespective of foundation type, due to the thickness of clay at this location). I would consider that principal contamination / pollution risk drivers are related to human exposure and to impacts to the surface waters adjacent to the site (via the secondary / shallow aquifer, and/or preferentially along existing buried infrastructure).

I have reviewed the Ground & Water Contamination Assessment Report (Phase 4 investigation Ref: GWPR3192/CAR/Oct 2019 v1.02), who's conclusions may be broadly summarised as follows:

- Some contamination 'hot-spots' have been identified which require treatment or removal due to exceedance of either or both residential landuse and commercial landuse generic assessment criteria (GAC).
- Hotspots requiring treatment include a region of the SW of the (wider-) site, and an are in the NW of the topographically 'low' portion of the site.
- A strategy of contamination risk mitigation was also considered to be necessary across the entire former car parking area due largely to a statistical population exceedance of GAC for Lead, but also to address significant concentrations of hydrocarbons identified in prior investigations (at BH201 in particular, where results from a recent nearby trail hole classify as hazardous waste).
- A tentatively identified hotspot in the NE of the (wider-) site, relating to PAH contamination and an asbestos find, and broadly corresponding to a RPZ of a mature boundary tree, does not require specific treatment
- The asbestos discoveries on the Northern boundary of the site were considered to warrant a reduced dig, and clean cover system, with appropriate screening and physical pre-treatment of removed material to minimise the volume of hazardous waste disposal required.
- Specific removal of amosite asbestos (present as free fibres) in the region of BH2 was also considered to be required, as a result of the volumetric quantification.
- An argument for 'acceptably low' risk from chrysotile asbestos fibres and cement-bonded fragments has been made.
- The report also concludes that the 'inconsistent contaminant concentrations recorded within the groundwater', it is unlikely that groundwater contaminants would risk impacting local watercourses surrounding the site. (It should be noted that this conclusion is nuanced and should only really be regarded as relating to a need for groundwater treatment - and not as relating specifically to the soil contaminant source, or the status of the pollutant linkage)
- Basic soil-gas protection measures are proposed to residences despite the gas screening value equating to a level where 'no protective measures would normally be required' ('CS1'). Proposed due to maximum steady state concentrations exceeding the 'typical' limits - by more than an order of magnitude in the case of methane (>13% v/v, compared with a 'typical' CS1 level of <1% v/v)
- In addition to the above, a generic contamination watching brief is proposed, alongside specific validation requirements relating to proposed works.

I have read the most recent contamination assessment report alongside the previous documents (Most notably, WYG report no.A090070-182v2 Jun 2017 and CRH report no. 12663 Feb 2019), and note that there are qualitative associations between hotspots identified in the latest report which 'could' indicate a broader spatial area of contamination-impacted soils than is envisaged within the Phase 4 report.

The phase 4 report does consider results from other reports, but does not provide a detailed re-examination of the Conceptual Site Model from site usage research (to identify possible

sources for contamination identified, and so to consider whether contamination identified in separate trial holes might have a common source). Statistical assessment is applied with respect to the human health assessment, and the remedial strategy is based upon a 'source blind / statistically led' source & exposure area 'zoning' model.

This is acceptable for human health protection, especially given the arguably generous soil strip / clean cover system depths proposed in the areas requiring treatment. It might be less appropriate however for consideration of the controlled waters risk. With reference to Figure 5 of the CRH report, and to the grouping of trial holes in the SE corner of the site which have been identified as being 'contamination impacted' (numbering at least 7 separate holes, identifying signs of contamination in both made- and natural- soils, including those comprising the secondary aquifer which has been credibly shown to be capable of hydraulic continuity with the Lavant.

The Phase 4 report is inconsistent in its proposals for remediation, referring to a (hot-spot) treatment area comprising both 16m radius, and 16m diameter (the latter representing around 25% the area of the former). Reference is made to verification of sides / base, and extension of removal works if needed (which is welcome-); however the method statement doesn't specifically address source removal depth in terms of groundwater impact or to laboratory turn-around times and the impact this might have on operational decisions on site (long turn-around times could prejudice evidence-based decision-making). No specific reference is made to in-situ screening, though I would assume that PID screening will be employed as a practical tool for guiding source removal works. PAH is not necessarily associated with volatile contaminants, so PID screening alone will be insufficient to determine completion of removal works.

Examination of the available data show that contamination is sporadically present across the site, being present in the SE, NE, and NW corners, at the N boundary, broadly on elevated land to the west, and at the foot of the topographic transition from this land to the lower-lying land (in a proximal location). Some indications of contamination have also been identified in the central Eastern 1/3rd of the site. The associations between these areas is unclear, and in some cases no credible potential source is shown on historic mapping, or has been presented from available desk based sources in prior reports. Some chemical profiles are remarkably consistent despite sampled being taken some distance apart; perhaps linked to the origin of source material (placed made soils from common source, used in different areas).

The contamination profile of the elevated land in the West of the site is somewhat puzzling given its apparent history. I have looked at the available imaging timeline on streetview, and it would appear that this land has in the past been used (for a significant period of time) as open storage of industrial materials &/or products. Given the lack of alternative known / suspected contamination sources, this use is considered to be a credible potential source, alongside the source material of which the made soils comprise. I couldn't completely discount the less likely alternatives (historic site use, car parking), these remain possible contributing factors.

The lack of precision in knowledge of prior potentially contaminative use of this land hampers assessment of association (or 'separateness') of data-points - in particular whether BH201 & WS16 might relate to a common source.

Contamination & Hydrogeological Risks - Remedial Strategy

Several treatment areas are proposed across the site, and the risk that contaminated soils may be discovered elsewhere at the site is not negligible given its scale, and the number of small scale / discrete potential contamination sources that are likely to have existed across the site throughout its history.

Hot-spot removal:-

I am principally concerned about the possible link between contamination identified at WS16 and that identified on elevated ground, at BH201. If linked, the hot-spot area could be

significant, and might warrant re-consideration (as it would demonstrate a reasonable degree of mobility).

I am similarly concerned about the scale of the hotspot in the SE of the site likely exceeding that envisaged in both plan area and depth (removal may need to include land in the vicinity of WS1-WS3, TP201, HP203 & BH5). I would also be concerned if the hot-spot removal success criteria is based upon the commercial land use S4UL value for human exposure to contaminants, given that prior reports conclude the continuity with the surface water is likely and that both leachate & groundwater results are not substantially different in character (indicating a 'pluvial-percolation' &/or 'groundwater-level fluctuation' driven mobility risk).

I can agree the strategy in principal, as it does encompass the most concerning results and does include provision for extension of works in response to conditions encountered. I would like to make clear however that I will expect target levels / screening levels to be appropriate to the controlled waters risk (particularly relevant to the SE corner), and to include PID screening with particular attention given to the potential for common sources for contamination identified in different trial holes (e.g. hydrocarbons &/or coal-tar derived PAH at WS16, BH201)

Soil Strip - North Boundary (Asbestos Mitigation):-

The risks from asbestos are not laboured in the report, and there is no single section summarising the total number of finds or their distribution.

All phases of investigation have identified asbestos containing material (ACM), and quantification has identified >0.001% as free-fibres, by volume (much more than 'trace'). This is perhaps not surprising given how extensively the material was used in the structures formerly present at the site.

The Phase 4 report s 4 of 77 (5.1%) samples testing positive for asbestos. It is unclear whether this figure includes results from prior reports; the CRH report identifies 4 positive detections of 24 samples (16.6%), and the WYG report identifies 3/27 (11%). Several (7, of around 40) individual locations around the site have identified asbestos in soils (~17%).

I am not sure that these results should be taken to be indicative of 'specific areas affected' as they should be taken to represent a 'likely frequency of occurrence within material of similar character'. It might be just as valid to say that we are likely to identify ACM or fibres in around 1 in 10 samples taken from disturbed / made soils from anywhere at the site.

I don't object to the spatially specific strategy proposed (there does at least qualitatively appear to be a concentration of finds along the north boundary), but I would interpret the frequency of finds as being indicative of a site wide risk of ACM presence in made / disturbed (and top-) soils. This underscores the importance of the discovery strategy mentioned at 4.6, which is reasonably generic in its scope and content.

I am minded to recommend that the ACM discovery strategy be fleshed out prior to approval of the RMS presented within the Phase 4 Report (or it be specifically required under a separate condition).

The principle of the strategy proposed is however considered to be a pragmatic approach to addressing a risk which is not unique to this site (or indeed limited to former industrial sites), and to minimising the volume of hazardous waste generated through development. Demonstrating that reasonable steps have been taken will be the challenge, and I think that it would be best served by a more specific proposal - in particular a more defined proposal on communication (to groundworks staff), monitoring, screening (e.g. of stockpiles), and record keeping (for verification)

Gas Protection:-

It is considered that the results could be indicative of bio-degradation of organic contaminants (e.g. fuels), and both the elevated methane and >LOD flows are of potential concern.

I agree the need for a robust basic gas protection system for residential properties given the results of spot monitoring. This could be omitted following favourable results from deployment of a continuous gas monitoring device (which would give much greater confidence in flow rates) - but in the absence of such data, precautionary mitigation is considered appropriate.

Car Park Area, Source Removal & Clean Cover:-

As discussed in the assessment section above, a number of concerns about uncertainty associated with the coherence of the CSM (i.e. the sporadic & widely distributed contamination impact) are alleviated by robust treatment in affected areas - clean cover depths of upto 750mm are very good practice, and capillary breaks are proposed where deep made soils are to be retained.

The approach is agreed. However, given the storage use for this land, the significant PID readings, and coal-tar / creosote associated PAH - there is potential for this area to prove to be more seriously impacted than currently thought, so it is agreed subject to the observation of the watching brief (for mobile, 'controlled waters relevant' contaminants, and for volatile or 'gas / vapour protection relevant' contaminants) and the verification evidence recommended.

Contamination & Hydrogeological Risks - Recommendations

Unacceptable contamination risks have been confirmed within the latest phase of investigative works, and a specific remedial scheme has been proposed (the remediation method statement, RMS), supported by a generic Verification Plan. The verification plan ('validation strategy' in the report) is generic in nature, but it's content is reasonably inferable from the text of the report.

Subject to the enhancement of the outline discovery strategy presented at 4.8 of the Phase 4 Report (GWPR3192v1.02) in respect of ACM, and the caveats outlined in the sections above; the body of documentation submitted to the Council to date essentially satisfies Condition 8 of the outline consent.

I assume that the detailed consent requires transposition of conditions, in the interests of clarity. In this respect, c.8 of APP/18/00244 may be omitted. c.10 of the outline consent should be transposed. I would recommend that the condition below is included on any consent granted in relation to this application, as a substitute to outline condition 9.

The informative is recommended as a guide to interpretation.

Condition A - Verification of Approved Works (in place of outline condition c.9)

"Prior to the occupation of any specific phase of development approved by this planning permission, a soil-contamination remediation & risk mitigation verification report shall be submitted to- and approved in writing by- the local planning authority.

The report shall be in general accordance with the Ground & Water Ltd. Report No. GWPR3192/CAR v1.02 (November 2019) and shall document the management of contamination-impacted soils and the effectiveness of the remediation achieved through the works set out in sections 4.5-4.6 of the GWPR3192/CAR v1.02 report.

Reason: *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. 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."

Informative - Soil-Contamination Remediation & Risk Mitigation

"The Council recognises the need to respond to site conditions encountered during groundworks, and the inherent uncertainty in defining works based upon results of a finite sampling strategy. The execution of remedial works described in the GWPR3192/CAR v1.02 report- and their subsequent verification- are expected to take account the comments and requirements of relevant consultees, where given (* The Environment Agency, Portsmouth Water Company, and Environmental Health). The GWPR3192/CAR v1.02 report describes validation / verification proposals in various sections of the report, and does not present a comprehensive stand-alone verification plan. The Council accepts a degree of 'fluidity' in response to conditions encountered, but will expect the report to include: i) results of sampling and monitoring ii) a photographic record of source removal works and iii) any other documentary evidence which describes the works (which may comprise documentation of any or all; the evidence-based decision-making processes, the definition of 'completion points', on-site waste material pre-treatment / characterisation, the movements and destination of contamination-impacted soils, and the characterisation of imported soils for cover systems). The Council will not accept a report which verifies a rigid interpretation the remedial works where this would leave an unacceptable degree of residual uncertainty."*

Mr. Jonathan Driver
Environmental Control Officer