

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/00256	Your Ref:	APP/16/00921
EH Case Officer Extn:	44 6677	Date:	21 February 2019
DC Case Officer:	Rachel Ballam		
DC Case Officer Extn:	6143		
Application Number:	APP/16/00921		
Site Address:	Dolphin Quay, Queen Street, Emsworth, PO10 7BU		
Proposed Development:	Demolition of the single storey shop, two-storey office building and associated outbuildings. Erection of 4No. houses (3x 3No. bedrooms and 1x 2No. bedrooms) fronting onto Queen Street and associated parking and erection of 2No. detached dwellings (4No. bedrooms) fronting onto to the Mill Pond with associated parking and access from Queen Street. (13.12.18). Request to discharge condition No.s 3,4,6,10 and 13. (31.01.19). A request has been made to discharge the following condition(s) on the above application: Condition 13: CEMP		

Observations / Comments:

Looking at the planning history for this site, and in particular the level of pre-application engagement with HBC as the LPA, it is unclear why Environmental Health has not previously been consulted.

The development comprises sensitive development, adjacent to a sensitive receptor, and is clearly marked on modern mapping as formerly comprising unspecified 'works' (being a potential source of contamination). Further, the Environment Agency flagged Contamination risk in their consultation response under GEN/16/00311, providing application validation requirements and making specific recommendation that the views of Environmental Health be sought. The Chichester Harbour Consultee also made reference to local policy for both pollution and contamination (DM17 & DM18). I would have expected to be consulted on a householder extension at a site with this risk profile, and with reference to the NPPF, it is problematic that no condition has been applied to this consent to quantify and manage the contamination risk.

Comments below are in response the application to c.13, but also include substantive advice for the benefit of the applicant, who I would strongly recommend should consider undertaking voluntary site assessment if only for the purpose of quantifying their own liability and to support the market value of the completed dwellings.

CEMP

3. *Training, awareness & competency:* This section states that raising environmental awareness is a crucial element in implementation of the CEMP, and recognises that all site personnel should be

fully aware of the key environmental issues and management procedures. The efficacy of this is reliant upon a full recognition of environmental issues within the CEMP, which does not cover several specific risks and sensitivities. I've no issue with the wording of this section, but consider that the subsequent sections would benefit from amendment.

4.2 Noise Management: Mark Moss has been allocated this case for comment on noise, and more detailed comment may follow under separate cover. It is worth highlighting that no hours are specified for deliveries, or for noisy works; which is a provision which Environmental Health would normally expect to see within a CEMP. No mention of specific noisy works - if driven pre-cast piling is proposed (for example), then control of hours, or use of specific noise suppressing techniques might be appropriate. Given the origin of this condition (ecologist), it may also be appropriate to set out appropriate seasons for certain tasks, to avoid disturbance - this is likely to principally apply to piling activity.

4.3 Dust Management: This section provides for the collection of 'surplus water' for settlement prior to discharge. It is unclear what definition is being applied to the term 'surplus water', or how it is to be collected and directed to the settlement tank.

I would interpret 'surplus water' to be that applied to the work area, ponding on site, and at risk of running off into the Ems / Mill Pond - i.e. collection of surplus water is analogous to site drainage. Assuming this is the case, it is unclear how the collection and settlement system is to manage rainfall whilst maintaining residence times in the settlement tank (to enable adequate settlement), and preventing surcharge. It is unclear whether a flood defence works consent is in place which governs the discharge referenced - consent is likely to have been required for construction works given the proximity to a statutory main river. Inclusion of the works consent conditions within the CEMP (at least insofar as they apply to the discharge) may serve to clarify.

This section also covers wheel washing - it is not clear whether washwater is to be treated via the settlement tank system. Wheel washwater is arguably a greater risk relative to suspended solids, and so should be subject to such controls. If contractors & sub-contractors reference as regards their environmental responsibilities is in the first instance the CEMP, this should be clarified.

No specific provision or comment is made regarding the collection / treatment of water arising from the dewatering of excavations (e.g. service installation) - this may or may not be material - I would imagine that groundwater is relatively shallow here, but equally that there is unlikely to be a need for deep services (intention to use piled found's is noted).

4.4 Use of marine water for Dust Suppression; as 4.3 above - the means of control of excessive runoff (including rainfall) is unclear, as are the arrangements for discharge.

4.5 Housekeeping & Wastes: Refers to appropriate securing of loads - I would take this to mean 'sheeted', but in line with comments under 4.3, amendment for the sake of clarify would be helpful.

This section deals mostly with wastes, and does not provide for stockpiles of soil for reuse, or for the storage of hazardous products (fuels, lubricants, solvents, acids, paints etc.), for safe refuelling of vehicles or mobile equipment, for the provision of spill management equipment, or the procedures for clean-up.

Matters not covered by the CEMP; Contamination and piling. Given the absence of a contamination condition, and the historic uses of the of the site - I would strongly recommend the inclusion of a section which covers;

- the need to inspect key stages of work (especially site strip, excavations, and the monitoring of pile arisings (assuming a drilled pile is specified),
- what to look for (e.g. 'black'/'charcoal grey' coloured soils or sediment, blue / purple stained soils, or red / yellow colouration more vivid than would be expected by in natural deposits; oil droplets / free product, film / sheen, solvent or fuel odour, sulphurous or

- 'rotten' odour, asbestos fragments,
- standard procedures upon discovery of suspicious ground or groundwater conditions to include segregation for characterisation, and prevention of mobilisation by continued site activities, and
- a duty to report to LPA

Ideally, provision should be made for recording groundworks (inspections, descriptions, and photographs), with a summary to be prepared and submitted to the Council irrespective of whether any discoveries are made. This would assist in providing surety that no significant risk was encountered, and would serve to support liability judgements in the event that future contamination issues come to light in the vicinity (a number of small potential sources exist in historic Emsworth), and also to provide reassurance to purchasers (that they are not taking on a site which may pose a risk to their health, or indeed a liability for contamination present).

Voluntary contamination assessment

I note the construction timetable presented, and the foundation method envisioned. It is unclear whether any geotechnical assessment has been undertaken in order to inform the detailed design of foundations.

If not, I would recommend that the applicant consider commissioning a 'geo-environmental' investigation which includes sampling for both geo-technical parameters (penetration tests / bearing ratios / shear / sulphur etc.) and environmental sampling (TPH screen, speciated PAH (USEPA 16), VOC and CLEA Metals. Ideally at least one groundwater sample should be analysed for the same suite. Asbestos may be present at the site, it's relevance will depend on the degree of disturbance, and the degree of soft landscaping associated with the scheme. With reference to the plan, soft landscaping is minimal but present, so asbestos screening of any topsoil for use in these areas may be appropriate.

I would stress that whilst characterisation of the site is not required under any specific Contamination condition, paragraph 179 of the 2018 NPPF makes clear that the responsibility for securing a safe development rests with the developer and/or landowner. At this point, I regard the site to represent a contamination risk to both the future occupants of the consented development, and to controlled waters.

Not addressing this as part of this development may affect the market value of the completed development, present a barrier at conveyance or to obtaining insurance. I would therefore recommend that the applicants consider engaging with Environmental Health on a voluntary basis, pursuant to their own interests and responsibilities as developers of the site.

Summary

I consider that the CEMP is lacking key provisions, and that c.13 should not be discharged without an enhancement of the detail of the plan. On this basis, I would object to discharge on pollution grounds.

Mr. Jonathan Driver
Environmental Control Officer