

Havant Borough Council
Development Control
Civic Offices Civic
Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2018/120972/02-L01
Your ref: APP/18/01109
Date: 07 May 2019

Dear Sir/Madam

**AMMENDED PLANS - OUTLINE APPLICATION FOR THE REDEVELOPMENT OF
FORMER DAIRY CREST SITE FOR UP TO 78 DWELLINGS WITH ACCESS OFF
FULFLOOD ROAD. DAIRY CREST DEPOT, DUNSBURY WAY, HAVANT**

Thank you for the consultation on the above application, please quote our reference on all correspondence.

We have reviewed the information as submitted and have the following comments.

Environment Agency Position

The proposed outline planning permission will only be acceptable if the following planning conditions are included. The Environment Agency requests that the following conditions be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Condition 1

Piling or other deep foundations, using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason

To ensure that any associated, piling or other deep foundations, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework (NPPF).

Piling or other deep foundations using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1c (confined) for a public drinking water supply.

In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition 2

If, during development, contamination (i.e. free phase hydrocarbons) is identified or found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

Condition 3

The development hereby permitted must not be commenced until the below has been submitted to, and approved in writing by, the Local Planning Authority:

1. The developer must ensure the development is flood resilient by submitting details of the finished floor levels (FFLs) to the Local Planning Authority, ensuring that FFLs are raised with an appropriate freeboard allowance above the 1 in 100-year flood event, plus an allowance for climate change.
2. The developer should provide details to the Local Planning Authority showing that exceedance flows from the site can be safely managed as stated in Section 5.7.1 in the FRA Part 1.

The development shall be carried out in accordance with the above details (1 & 2), and in accordance with the submitted Flood Risk Assessment (FRA) (ref 5003415 'Flood Risk Assessment & Drainage Strategy JLL – Dairy Crest Depot, Havant' 12 April 2018) and the mitigation measures it details.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To reduce the risk of flooding to the proposed development and its future users.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the Applicant will need to provide further information to the Local Planning Authority to ensure that the proposed development can go ahead without posing an unacceptable flood risk and this is specified in the condition above.

Advice to Applicant

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

These are called 'Flood Risk Activity Permits'. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 (8am to 6pm Monday to Friday) or by email to enquiries@environment-agency.gov.uk.

The Applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us regarding a permit at the earliest opportunity.

Please do not hesitate to contact me on the number below should you have any queries on the above information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

Direct dial 02030 257250
Direct e-mail planningSSD@environment-agency.gov.uk