

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/00457	Your Ref:	APP/19/00224
EH Case Officer Extn:	44 6677	Date:	05 April 2019
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/19/00224		
Site Address:	Padnell Grange, Padnell Road, Waterloooville, PO8 8ED		
Proposed Development:	Demolition of existing Padnell Grange and ancillary structures and erection of 86 dwellings with associated parking, landscaping, SUDS and other drainage works and the removal of 3No. TPO Oak trees. I attach a copy of the above application that has been received under the Town and Country Planning Acts. Any views you should wish to make should be returned to me no later than 03/04/2019.		

Observations / Comments:

I have reviewed the Environmental Desk Study & Site Walkover Report, Phase 2 (Geo-Environmental) Ground Investigation Report, and Soil Gas Addendum report (Soils Ltd, 16362- .../DS, .../GIR, & .../SGRA respectively).

Given that the consultation had already closed on the portal before opportunity was found to review this application, I am relying upon comments made previously (IM171102sen001) in respect of air pollution impacts from traffic generation, on HCC to comment with respect to the efficacy or otherwise of the proposed travel plan, and on the LLFA to address the pollution aspects of SuDS scheme. As regards the latter, the generally low risk status of the development in terms of it's pollutant potential, coupled with the generally low sensitivity of the receiving environment, provide reasonable justification for not focusing on SuDS from an environmental (pollution risk) perspective. The maximisation of co-benefits from the scheme is a planning matter that I expect the ecology and landscape consultees to address as appropriate.

Contamination - Environmental Desk Study

The desk study does not identify any risks of which the Council was previously unaware. Distances to some of the features identified appear to have been measured from site boundary, some appear to have been measured from site centre. The distances quoted give the impression that features are off-site, whilst in reality they do exist within the area proposed for sensitive residential development.

Table 4.2 & 7.2.2 do clarify, but this slight ambiguity has affected the targeting of investigation features.

Contamination - Phase 2 Site Investigation

Section 1.1 confirms that the principle aim of the site investigation was to assist in foundation design. Environmental sampling was a secondary consideration, and the investigation design was therefore biased toward a 'non-targeted' approach.

Notable investigation omissions are the on-site kiln, and the on-site elements of the working Brick & Tile Works Complex. It appears that either WS1 & TPD failed to intercept of the former clay pit feature, or that the feature was shallow, and incorporated into the landscape (not filled).

TPD identified made ground to 1.2m BEGL, and is considered likely to have intercepted a filled ornamental or balancing pond feature. WS4 encountered 0.9m made ground in a position close to the former clay mill. There is no corresponding on-site excavation feature noted in any desk based sources.

The report identified elevated PAH & fuel range hydrocarbons in shallow soils at WSA, and elevated PAH associated with Made Ground at WS4, alongside fibrous chrysotile asbestos. Exceedances of screening criteria were recorded at WSA, and no conceptual explanation is offered as to why this area (which is not coincident with any potentially contaminating landuse feature) might represent a contamination hot-spot.

Made Ground at TPB was not sampled for PAH or Fuel Range Hydrocarbons.

The report appears to imply that 500mm will be lost from site during site preparation, and recommends collection of additional data following this step. It also appears to imply that asbestos removal is proposed, alongside a clean cover system.

It is not considered that the information presented in the report justifies the undertaking of such actions, and it is unlikely that the developer would dispose of such a volume of topsoil (stockpiling for re-placement is much more likely).

The report does not give 'conclusions' or 'recommendations' per se, and it should be noted that the text is generic, and does not necessarily relate to the scale of risks encountered. A watching brief is proposed, but it is not considered that the contamination that may be present in significant concentrations is likely to be readily identifiable by visual or olfactory means.

Contamination - Soil Gas

There are some discrepancies between sampling dates & days, and 'week commencing' dates given on meteorological trend data, inviting a lack of confidence in the stated tendency for positive or negative flows on affected sampling days.

This said, all results are within the CS1 / NHBC Green classifications, and PID screening has returned only trace tVOC results. Four rounds of sampling are presented over a four-month period, and no CH₄, CO or H₂S has been identified, and no significant O₂ depletion is noted.

I am satisfied that this indicates to an acceptable extent that soil gas risk at the site is negligible.

Conclusions & Recommendations

I would disagree with the implicit conclusions of the report, in that I do not accept that sufficient risk has been demonstrated to justify remediation. I agree that potentially unacceptable risks have been identified in at least one sample, and do not regard the conceptual model as being sufficient to extrapolate an appropriate and proportional remedial scheme from that one result.

I would also regard the investigation as having omitted areas of the site of direct relevance to contamination risk, in terms of the source term, and the future receptor sensitivity class.

On that basis, I would reject the notion of precautionary remediation, and would recommend that a further round of intrusive investigation be undertaken which is limited to examining risks to human health (i.e. depth limited to 1.0m BEGL or less, targeting topsoils and made ground, with the principle aim of characterising chemical quality). I anticipate this exercise demonstrating that no remedial action is necessary - but the additional data collection is required in order to undertake a meaningful statistical assessment (given the unexpected max-value exceedance of GAC for Benzo(a)Pyrene, Benzo(b)Fluoranthene, and Dibenzo(a,h)anthracene).

Such additional investigation should look to place some trial holes within the Purbrook Brick & Tile Works working complex (Eastern area of site), and to intercept the on-site Kiln.

The information submitted so far indicates that a significant risk 'could' exist, and cannot therefore be regarded as sufficient to conclude that the development is acceptable in planning terms against policy DM17 & the provisions of the NPPF. It is therefore recommended that the following conditions be applied to any positive determination, in order to make the development acceptable;

Contamination (Bespoke – omitting EDS, based upon submitted Reports) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a further assessment of the nature and extent of contamination at the site shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the findings of the 16362/DS & 16362/GIR Reports (Soils Ltd. August 2017); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting shallow soils at the site, and to inform an appropriate assessment of the risks to all identified receptors.*
- 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 in the Remediation Strategy (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: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present within topsoils and made ground at the site as a result of previous land uses (&/or activities) on site and in the immediate vicinity, that could pose a risk to future occupiers of the site.*

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: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present within topsoils and made ground at the site as a result of previous land uses (&/or activities) on site and in the immediate vicinity, that could pose a risk to future occupiers of the site*

Informative (Bespoke) [A]

*Documentation submitted with the application is sufficient to address and dismiss several contamination risks at the site, most notably ground gas & groundwater. The investigation referred to in **condition [1]** need only be of such scope as to address outstanding risks identified by prior reports. It is anticipated that the depth of further investigations may be limited to 1.0m below existing ground levels, or the maximum extent of made soils encountered. The focus should be characterisation of topsoils and made soils at the site to determine suitability for reuse at the site, which is assumed due to it's desirability for sustainability reasons. Contaminants of concern are considered to be PAH congeners, Lead (Pb), a fuel range hydrocarbons. For the latter, a screen may be acceptable initially given preliminary findings, with speciated TPH CWG necessary only on receipt of adverse results. Spatial coverage should address (but not be limited to-) on-site potential sources identified within 16362/DS which were not sampled during the fieldwork for 16362/GIR.*

Mr. Jonathan Driver
Environmental Control Officer