

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/01165	Your Ref:	APP/17/01139
EH Case Officer Extn:	44 6677	Date:	04 July 2018
DC Case Officer:	Ms R Ballam		
DC Case Officer Extn:			
Application Number:	APP/17/01139		
Site Address:	82A Jubilee Road, Waterloooville, PO7 7RE		
Proposed Development:	Proposed removal of existing commercial buildings and construction of 3No. detached 2 Bed houses (Approved 20/12/2017).		

Request to Discharge Conditions 3 and 8 (08/06/2018).

Observations / Comments:

I have reviewed the Dig-Geotech report ref: 590/R01. Inspection of EH casefiles has shown that the same revision of this report was reviewed previously under application APP/15/00408 (CONS/17/01613) in response to an application to discharge an equivalent condition (c.10 of APP/15/00408).

I will not reproduce those comments in detail. I recognise the need for this decision to be consistent with that made under the application to discharge c .10 of APP/15/00408. I had largely reached the same conclusions following the fresh review of this report, save for a single result which was 'missed' at the last review which warrants an outlining of the rationale for accepting.

This rationale has a bearing on how we treat c.9 & c.10 of APP/17/01139 (c.11 & c.12 of APP/15/00408, left 'outstanding' to the best of my knowledge on the 2015 consent, as currently for APP/17/01139), and to this extent there is room to 'tighten up' our position on contamination a little without risking inconsistency with advice previously given.

Results of Site Investigation

As outlined above, and previously, the results of the investigation are largely favourable. I have however noted one result which exceeds it's respective generic assessment criteria (GAC), relating to aliphatic C8-C10, taken from WS03 at 0-0.4m BEGL. The exceedance is relatively marginal (32 mg/kg relative a GAC of 27 mg/kg), and relates to a GAC which is dependent upon the proportion of soil organic matter (relates to 1% SOM or less).

Considering the %SOM of the sample from WS03 does exceed it's respective GAC. The sample appears to display a different hydrocarbon profile to that evident in other samples, and if found alongside trace concentrations of naphtha. The lack of other samples with a similar profile means that there are no representative results from which to attempt to calculate an

estimated 'likely population mean'. The result from WS03 is therefore considered to be an 'outlier', potentially representative of a localised 'hotspot' of contamination which could be locally significant (e.g. to consented residential plot 3). It is not clear just how 'local' the contaminant population may be (of which sample is representative).

The sample was taken from close to the westernmost building of the main group of pre-fabricated workshop buildings, and could in principle be representative of chronic spillage / leakage resulting from the storage / processing / handling / use of materials within and in connection with the use of that building. It does not necessarily follow that WS03 is representative of the maximum concentration, and the population could in principle exceed that identified by a significant margin.

Whilst this is so, it is noted that the PAH results from the same strata (not unlikely to be the sample) returned values below the laboratory limit of detection (<LOD), as did BTEX compounds and MTBE. VOC suite was not scheduled for the WS03 sample.

I am also mindful of the marginal nature of the exceedance relative to the %SOM. %SOM at the site is split between samples returning values well below 1% (3 samples), and those returning values well above 2.5% (2 samples). This is important in the determining the bioavailability of the contaminant, and therefore it's risk - and must be considered as an average within the relevant exposure area (e.g. plot 3).

In short, the exceedance is recognised as being potentially indicative of a significant source, but similarly that it is so marginal as to be not definitively indicative of a significant risk. It is entirely possible that the source identified is of insignificant scale, or that the %SOM in surface soils at the completed development are such that the risk from hydrocarbons is not likely to be detrimental to human health.

Report Conclusions

The report indicates that there is no meaningful topsoil on site, and that a large volume import is likely to be required for amenity reasons. The report falls short of specifically recommending verification, but the conclusions sections specifies 'clean' topsoil, and section 8.1 discusses soil certification & testing to demonstrate it's suitability.

Section 8.2 recommends the incorporation of a discovery strategy in the groundworks contacts, but does not go so far as to make specific proposals as to it's content.

EH Conclusions

I consider the result from WS03 to be potentially indicative of a risk which may be locally significant (e.g. to plot 3, overlying the building adjacent to WS03 at the time of the investigation). It is not considered likely that the source identified will prove to be spatially widespread.

The watching brief and topsoil certification are considered to be important factors which should be positively reported within a brief verification statement. Given the risk identified above, I interpret the loose conclusions of the Dig-Geotech report (as regards topsoil verification and contamination watching brief) to represent the 'verification plan' required by c.8 pt.4 (to which c.9 relates).

The application to discharge c.9 prior to occupation should demonstrate that imported soils are clean (suitable certification, stockpile sampling, or as placed sampling would be acceptable - aggregate samples may also be acceptable for verification purposes if tested 'as placed'). The submission should also include a positive declaration that no suspected contaminated material was identified during construction, if indeed this is the case.

The provisions of c.10 apply in the event that suspected contamination is discovered by visual or olfactory means (odour, or appearance of soils).

Recommendation for the current application

In line with previous comments, with the benefit of outstanding condition no's 9 & 10 to APP/17/01139, and subject to the above interpretation of the 'verification plan' being approved - I am able to recommend Condition 8 be discharged in full.

Mr. Jonathan Driver
Environmental Control Officer