

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/01396	Your Ref:	APP/17/00610
EH Case Officer Extn:	44 6677	Date:	06 August 2018
DC Case Officer:	Rachel Ballam		
DC Case Officer Extn:	6143		
Application Number:	APP/17/00610		
Site Address:	3 Elm Grove, Hayling Island, PO119EA		
Proposed Development:	Erection of new 2 storey building with dormers in roof, providing 6No.2 bed flats (revised scheme to that approved under Planning Permission APP/16/00364). (Approved 19/06/2017) Request to Discharge Condition No/s 3, 4 and 8 (27/06/2018).		

A request has been made to discharge the following condition(s) on the above application: c.4 [Contamination]

Observations / Comments:

I have reviewed the Phase 2 Site Investigation Report, and note that several contaminants are present at elevated concentrations, but that these are generally below their respective generic assessment criteria (GAC). Some max-value exceedances have been identified, notably Dibenz(a,h)Anthracene and Benzo(b)Fluoranthene. Asbestos containing material has also been identified within soils, cement bonded Chrysotile present as fragments. Free fibres do not appear to have been explicitly identified or quantified by the lab, though are likely to be present in small quantity, and the text of 11.5 suggests that the identification relates to free fibres (mass un-quantified).

I have made statistical estimates of likely 'true' population mean at the 95% confidence interval, and note that only B(b)F concentrations exceed the GAC relevant to the site. The exceedance would appear marginal, though it is relevant that the GAC is still exceeded at the (less stringent) 90% confidence interval. In this way, the shallow made ground at the site can be regarded as being contaminated 'en masse' at a risk level appropriate to this development class. This material is ubiquitous, and of a consistent depth, being limited to 0.25m from the surface - likely to be removed in the initial surface strip to prepare the site for development, and also some distance above key services (e.g. potable water supply).

I have consulted guidelines for potable water supply pipe material selection, and would conclude from the available site investigation data that protected supply pipes should not be necessary at the site.

The report presents an argument that whilst a risk threshold relevant to the consented landuse class, this specific development is of lower exposure risk as a result of the limited landscaping and high proportion of hard ground cover. The consent is however for a change of

use to a residential use class (where the risk level is dictated by the building type), and the NPPF requirement is that following development, the site should not be capable of being determined to be contaminated land (interpreted as relating to the design-life of the development). In the absence of an engineered / permanent hard stand (e.g. cast concrete), landscaping arrangements could change within the design-life of the development, making the generic risk assessment scenario for this landuse class relevant. The report demonstrates that on the basis of information presently available (and without any intervention), the soil conditions could be considered such that the site would be determinable for a residential use.

It seems to me that the risks at the site are marginal, but non-trivial. I am mindful that the conclusions are based upon a limited number of samples, and that the risk could be resolved (to be below GAC) through additional sampling. Similarly, the risk could be simply accepted and addressed through removal of a limited volume of material from the surface of the site. This is likely to be required to facilitate construction, and will likely also need to be undertaken for the purpose of asbestos removal.

Your Environment (the authors) make several recommendations - but make clear that recommendations do not amount to proposals (of the applicant, for planning purposes). Briefly;

- Watching Brief & Discovery Strategy: Recommended, but not relevant to c.4. Recommended generic strategy can be taken to constitute proposed actions to comply with the formalised duty to observe a discovery strategy (c.5).
- The report recommends that the local water company (PWC) be contacted to obtain confirmation on whether an encapsulated metallic barrier pipe, or a pipe of a specific material is considered to be necessary to prevent contaminant penetration. The results indicate that protection of potable supply pipes is not necessary.
- The report highlights that soakaways are not recommended in contaminated ground (implicit that infiltration drainage is not recommended). Given the shallow depth of contamination identified, there would be no objection to the use of infiltration for surface water disposal.
- Asbestos: Further soil screening for free fibres, and asbestos precautions listed in 11.5 to be observed on site, to include hand-picking of fragments from soil / recycled aggregate to be retained. Agreed.

Notably absent from the above, but implicit from the text of 11.5, is the likely removal of the made ground from site, and the requirement to appropriately classify for waste purposes. The available results indicate that the made ground material is likely to be suitable for use in construction or general fill at a non-residential site, but would be inappropriate to use on a contaminant sensitive site (educational site, allotment, residential project of any type unless used 'out of reach' and stabilised with a binder - e.g. cement.).

The verification of such routine removal need not be onerous - having secured an undertaking to remove (a simple 'remediation strategy'), and documented removal (it would suffice to provide an indication of pre-/post removal levels - photographic evidence, and waste tickets showing carrier/ destination/quantity/description/waste code, and any specific asbestos sampling &/or removal records). I would be content to take the available results as confirmation that underlying soils are suitable, and in this way, there would be no particular need to push for verification sampling.

As indicated above, the recommendations of the report are not to be taken to be proposals of the applicant, and in this way, it will be necessary to seek confirmation of proposals.

In the absence of any further information, I would recommend partial discharge, comprising c4. pt.1. The report cannot be taken as a remedial proposal (to which Pt.2 relates). As the report recommends actions, it is implicit that verification documentation, however routine / basic, is required, and so discharge of c.4 pt.3 could only occur following completion of the remedial strategy to be approved under c.2 pt.2.

Following confirmation of the applicant's intentions as regards asbestos (11.5), and general made ground; I would be content to permit commencement - I anticipate resolution of the outstanding matters to be merely a formality, capable of being managed routinely alongside the construction process.

I would however have to object to commencement in the absence of a firm proposal that can be taken to be an (enforceable) remediation strategy & verification plan.

I anticipate that this could be confirmed within the lifetime of the current application, and if satisfactory, would mean that my recommendation would instead be to discharge c.4 pt.1 & 2 at this time, and to permit commencement.

I am happy to speak with the applicant directly to assist in resolving this administrative matter.

Mr. Jonathan Driver
Environmental Control Officer