

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/17/01560	Your Ref:	APP/17/00548
EH Case Officer Extn:	44 6677	Date:	14 August 2017
DC Case Officer:	Rachael McMurray		
DC Case Officer Extn:	44 6546		
Application Number:	APP/17/00548		
Site Address:	Plot 4, Hermitage Park, Harts Farm Way, Havant		
Proposed Development:	Erection of steel portal frame building with provision for offices, trade counter, staff facilities and warehouse.		

Observations / Comments:

I have reviewed the supporting information to this application, alongside that for the related application, APP/17/00075, for which Environmental Health was unfortunately not consulted. I have also reviewed the prior relevant consents for this application, namely APP/10/00737, APP/13/00911, APP/13/01145.

There is a history of investigation and assessment associated with the development of this broader plot, and it is noted that proposals submitted in relation to the discharge of conditions relating to the outline consent area were accepted on the basis that the proposals apply to the would apply to the individual development phases whether this is explicit within the conditions for each, or not. I believe that the decision notices for prior applications make this clear, however, with specific reference to the 00075 consent, the provisions have not been formalised in the phase-specific conditions, and there is a therefore a risk of the impetus to complete the agreed actions being lost.

Contamination

The Soil Geotechnics Ground Investigation report submitted in connection with APP/17/00075 is relevant to the 17/00548 application area, as well as areas to the East of the application site. The report however focuses upon the 17/00075 area, with only a few descriptive & geotechnical trial holes associated with the 17/00548 site, and no environmental sampling data available.

The report does not consider its results alongside (in the context of-) the preceding investigations, in this way essentially functioning as a stand-alone report. For this reason, the conceptual site model is not as developed as it could be, and this is to some extent evident in the lack of clarity in the conclusions of the report. Previously unidentified 'hot-spots' of contamination are identified within the North-Western portion of the wider Plot 4 area, and it would appear that elevated metals identified in soils are leaching to groundwater - with some sample results exceeding benchmark quality standards, and some indicative evidence of migration over distances likely to exceed 50m within the boundary of the (00075) site. There is some uncertainty as to the reliability of the PAH soils results, as samples were collected in plastic containers, which may be porous to some of the PAH16 compounds subsequently tested.

There is similarly some uncertainty as regards the gas 'snapshot' monitoring (point measurements), as the water levels in some of the wells was above (or close to the top of-) the monitoring well response zone; meaning that samples are unlikely to be representative.

The lack of environmental samples from the 00546 application site offers little insight as to any newly identified sources of contamination, however it is noted that no gross contamination was identified by visual or olfactory means. It is also noted that the fuel tank positions proximal to the Plot 4 West (00546 area) fell within the boundary of the Phase 1 infrastructure area, and have already been subject to verification. No specific remedial actions (i.e. in connection with the previously agreed Remedial Method Statement, RMS) are considered to remain outstanding with specific reference to the 00546 area.

There is however a requirement to evidence the removal of a former interceptor unit located within the 00075 area previously identified as being the likely source of direct inputs of PAH, light fraction solvents and hydrocarbons to the Brockhampton Stream via overflow or discharge pipework removed during the phase 1 works. Whilst no conditions were transferred to the 00075 consent (from the APP/13/00592 consent), the decision notice for APP/13/01145 makes clear that the agreed RMS remains enforceable in respect of this (00075) area.

Risks that may be relevant to the 00546 area are as follows:

- The potential for unexploded ordnance (UXO/UXB) to be present within the application area has been assessed to be a medium risk. Given that the site has been developed post-war, and that development has included several below ground structures, I would consider the risk to be lower - such that raising awareness amongst groundworks staff as part of a general contamination watching brief should be sufficient to avoid any incidents in the unlikely event that any UXO/UXB is uncovered during works.
- Elevated PAH in soils at levels capable of imparting unpleasant taste to drinking water supplied via standard pipes, and potentially representing a vector for harmful intake by future occupants of the site. PAH is elevated sporadically across the site, and there is insufficiently detailed spatial resolution to sampling data (or indeed spatial coherence in the actual distribution) to determine areas of the site that can be regarded to be 'clean'. It is considered that the remedial action regarding drinking water supply (see page 10 of the approved Structural Soils Report 729007 RVR) applies to this plot. It should therefore be evidenced that either a) a hydrocarbon resistant barrier pipe has been used for water supply, or b) that Portsmouth Water, upon consideration of the available results, do not require the use of such supply pipework to ensure a wholesome supply).
- Contamination analysis and water levels (again, page 10, 729007 RVR) remains outstanding, and is a provision that applied to 'each future phase of development' within the outline area.

It is recommended that the need for a contamination watching brief is formalised by means of a suitable planning condition (below). *I would take your advice on the best method, in planning terms, of securing the appropriate materials / assurances with respect to the drinking water supply pipe - i.e. informative signposting the approved RMS & supporting assessments, or by means of a specific planning condition.*

Condition 1 - Contamination (& UXO) Watching Brief:

"In the event that suspected contamination (stained or odours soil or groundwater, buried waste materials or items resembling military ordnance) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- i) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,*
- ii) An appropriate assessment of the risks to all receptors that may be affected, based upon i), and*
- iii) Where potentially unacceptable risks are identified by ii), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All assessments, works, monitoring & other actions required by i)-iii) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) A statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with i-iii) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

Reason: *In the interests of the amenity of the locality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework."*

Foundations (Contamination & Pollution Risks)

It is noted that the Soiltechnics ground investigation report concludes that the alluvial soils exhibit sufficient competence to bear the proposed structures on Pad foundations terminating a minimum of 300mm into the natural, undisturbed strata.

I am aware that this assessment relates specifically to the lightweight structures consented for the adjacent site, and that the scale of the portal frame under this application is somewhat larger. I am also mindful that the Plot 3 buildings required a piled foundation solution which necessitated installation of dual or multiple piles under reinforced pile caps in order to avoid penetrating the chalk principle aquifer whilst still achieving sufficient strength to bear the proposed structure within acceptable margins of settlement.

No specific foundation proposals are included in this application, and it is therefore appropriate to secure a foundation (piling) risk assessment by means of a suitable planning condition. For clarity, where pad foundations are suitable, this is likely to be as simple as the provision of a statement which establishes basic parameters (i.e bearing strata, size, max. anticipated depth, and a description of the methodology), whereas for a piles solution a more detailed assessment which refers to the contamination site conceptual model is likely to be required.

Construction Risk Assessment

Prior to the commencement of construction of the principle buildings hereby approved, an assessment of the risks associated with proposed means of undertaking groundworks and construction shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

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

- 1) An assessment of the local geological succession, sufficient to determine whether the principle aquifer falls within the likely vertical range of proposed excavations or foundations.*
- 2) The result of an appropriate assessment of risks based upon 1) in relation to proposed construction depths, methods & materials. Where potentially unacceptable risks are identified, a risk-based appraisal of construction method options and clearly defined proposals for mitigation of the identified risks.*
- 3) Contractors method statement(s) in accordance with mitigation proposals (2), and*
- 4) Where deemed necessary, a scheme to appropriately monitor the impact of construction activity upon groundwater and/or surface waters, including details in respect of necessary stakeholder liaison*

Reason: *The site overlies the principal aquifer serving the Bedhampton & Havant Springs, abstracted for public supply of potable water. Deep excavations, Boring, Piling or any other deep foundations using penetrative methods can result in risks to potable supplies through short-term turbidity, or through creating migration pathways for soluble pollutants &/or contaminants. It should be demonstrated that the proposed construction methods will not result in any unacceptable adverse impacts upon controlled waters. The condition is imposed having due regard to Havant Borough Local Plan (Core Strategy) 2011 policy DM10 and the National Planning Policy Framework 2012.*

Drainage Strategy, SUDS (Contamination & Pollution Risks)

It is noted that no site specific drainage strategy has been submitted with this application. It is also noted that the Soiltechnics report identified a leachable fraction from soil concentrations, (largely consisting of metals contamination - copper, zinc, vanadium), and exceedances of relevant quality standards benchmarks (EQS) within the limited number of groundwater samples tested (Copper & Zinc), and that the groundwater exceedances were located some 50m down-anticipated-hydraulic-gradient of TP06, identified as representing a statistically distinct hotspot of metals contaminated soil (Lead, Chromium, Copper, Zinc, Vanadium).

For this reason, the Soiltechnics report recommends no infiltration drainage features, as there is a tangible risk of mobilising contaminants to the secondary aquifer & potentially to the Brockhampton Stream.

It is considered that the site falls under the drainage strategy previously approved under APP/13/00911, which notably requires a suitably sized Class 1 bypass oil interceptor to discharge to the Brockhampton Stream via a hydrobrake set to restrict flows to less than 20L/s. This strategy is however likely to rely upon storage & attenuation in order to achieve these flow rates without risk of local flooding. Storage & attenuation is explicitly included on the 00075 site, but not mentioned within the design and access statement submitted with this application.

I note that the 00075 application includes an above-ground bulk diesel storage tank, but does not make any reference to the (required) bypass separator within the respective drainage strategy.

As regards this application - It is noted that the permeable paved parking bays along the Southern boundary of this application site (which may have provided some of the above-referenced storage & attenuation) have been substantially curtailed, and the impermeable area correspondingly increased.

Given this change, and the substantial interrelationship between the drainage strategy, the flooding impact of the development, the need for contamination mitigation, and the potential for site drainage to represent a direct vector for pollution to reach the Brockhampton Stream, and the Harbour Waters - *it is recommended that the LPA's prior approval of the drainage strategy is secured as a pre-commencement condition.*

Other

The application supporting documentation does not make any reference to the storage of fuels, or any refuelling activities to be undertaken at the site. Petroleum fuels and oils are however referred to in the context of drainage, and it is implicit that both large self-propelled plant and equipment, as well as handheld petrol driven tools are likely to be stored at the premises. This is not unlikely to involve the storage of petroleum fuels at the site, as is the case at the adjacent plot.

It may be helpful to the applicant to include the following informative in this regard, in order to assist their compliance with the relevant regulations;

Petroleum Storage Certificates (Non-Retail Dispensing, Commercial Site)

"If it is intended to store in excess of 30 litres of petroleum fuel at the application site in demountable fuel tanks, portable containers or fixed fuel storage tanks; the Petroleum Enforcement Authority must be notified in writing in accordance with the Petroleum Consolidation Regulations 2014, Schedule 2. This premises would be regarded as a non-retail 'dispensing premises' for the purpose of those regulations and the Petroleum Enforcement Authority in this case would be Havant Borough Council. If it is intended to store volumes in excess of 275 Litres, a Petroleum Storage Certificate will be required. The granting of this planning consent does not guarantee that a certificate will be issued in respect of fuel storage. For the purpose of calculating fuel volumes, no account need be taken of fuel within fuel tanks of any motor vehicle"

Mr. Jonathan Driver
Environmental Control Officer