

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00136	Your Ref:	APP/16/00774
EH Case Officer Extn:	44 6677	Date:	01 February 2018
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/16/00774		
Site Address:	Land south of railway, Havant Road, Emsworth		
Proposed Development:	Erection of 147 dwellings with associated parking, access, landscaping, and surface water drainage, pumping station, sub station and signalised junction onto Havant Road (amended scheme).		

Observations / Comments:

I have reviewed a selection of the extensive revised documentation submitted in support of this application. I note that there are somewhat conflicting references to consent for this site, with the application covering letter referring to the Council resolving to grant consent in June of 2017 shortly following the date of the officers report, however no formal decision or conditions list appears to be logged.

Given the consistency in application reference across proposed revisions, I am working under the assumption that consent has not been formally granted to date. This may be particularly pertinent with respect to consistency in decision-making, as I note that the conditions listed in the officers report omit 2 no. previously recommended contamination conditions.

It is understood that the revisions to the scheme principally arise from a re-design of drainage strategy to account for the high seasonal groundwater recorded, and to address downstream impacts as regards both flooding & capacity in public systems. In addition, the application seeks to refine the quantum of units, reducing both the absolute number & housing density, making consequential layout changes.

For the reasons above, it is considered that comments previously submitted by Environmental Health remain largely valid. It may be helpful however to briefly summarise our position on pollution related subject areas in light of the revisions.

Contamination

The 3 conditions previously recommended form an integral & interrelated conditions 'suite'. Omission of the 'verification report' condition would render the main 'investigation, assessment & remediation' condition ineffective in principle, as there would then be no requirement to demonstrate that works required following the assessment of brownfield areas have been undertaken, or have been successful / effective. In this way, the single condition referenced as c.6 on the officers report (in isolation) is inadequate to deliver certainty that any work deemed to be required was ever undertaken.

Omission of the formalised 'watching brief' less critical, but the Council would need to regard reference to a watching brief in the submitted preliminary assessment as a risk mitigation measure under c.6. The form of the brief would (therefore) need to be specified within the remedial / risk mitigation method statement, and the evidence / statement referred to in the recommended condition would need to be included as a part of the verification report. This may delay the point at which discharge of contamination conditions would become appropriate, and would in principle require the principal condition (c.6, officers report) to be regarded as having broader spatial scope than the limited scope intended.

It was the attempt to limit the spatial area to which the principal condition should be taken to apply (for the benefit of the applicant) which necessitated managing 'unexpected' contamination as a discrete issue.

In terms of potential sources of contamination, Environmental Health accept that the highest risk area of the site is area in the vicinity of the former farm buildings. Former landfill in the NE of the site is considered likely to be filled with earth spoils (&/or) construction & demolition wastes, (&/or) aggregates; owing to filling operation being contemporaneous with the Selangor Ave. development (necessitating a degree of structural stability compatible with strip foundations). This suggests that risk is likely to be low, but contamination & gas risks associated with these features cannot be entirely discounted. Some construction works are likely to intersect these features, and so the operation of a formal watching brief is considered to be important, irrespective of whether these features are targeted as part of a formal proactive investigation.

I have previously indicated that on the basis of file derived information, the gas risk is likely to be low. However, recent investigation on a similar site has unexpectedly returned methane levels in soil gas which exceed the lower explosive limit (i.e. ignitable). In line with above comments (regarding uncertainty), it may be prudent for the applicant to consider some indicative gas monitoring in the region of these areas of fill in order to quantify (or dismiss) the theoretical risk.

Proposed landuse overlying these potentially contaminating landuse features under the revised scheme includes dwellings, private garden areas, and public open space. As described previously, localised contamination could be materially significant to exposures over a small averaging area (such as a private garden), and on this basis I would reiterate the need to address the risk.

I would recommend that the full suite of conditions previously recommended is included on any consent granted. This would allow maximum flexibility in discharge, irrespective of the outcome of further investigations / discoveries during groundwork. For convenience, conditions are reproduced below:

Condition 1 *[Contamination (Bespoke - Spatially Limited / EDS Omitted)];*

Prior to the commencement of groundworks within areas of the site that are 'brownfield' (previously developed land & land in its immediate vicinity), an assessment of the nature and extent of contamination associated with previous land use in those areas 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) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.*

- 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, to include consideration of 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 at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

Condition 2 [Verification - applies to areas within scope of Condition 1 only];

*Prior to the occupation of any relevant part of the permitted development, any verification report that is 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 at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers.

Condition 3 [Watching Brief - to apply to entire site / all groundworks];

"In the event that suspected contamination (soil, groundwater or buried waste materials) 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 and the National Planning Policy Framework."*

Please note, if you wish to limit the number of conditions applied, in particular if you wish to omit conditions 2 & 3 (as numbered above), I would strongly recommend a re-wording of condition 1 (as numbered above) to apply more generally to the site.

Air Quality - Development Trip Rates, Highway Impact Mitigation, and exposure of residents

Given the further reduction in quantum, I would agree that the development trip rate is likely to reduce. This is not necessarily so, as the different housing mix could in principle increase per-unit trip rates - however, the rates included in the Paul Basham associates report (041.0025/AATN/3) are considered plausible, and further, real world rates are at worst likely to be broadly equivalent to those assessed for the previous scheme. In this way, the new traffic generated by this development is likely to have an equivalent or reduced impact relative to that previously assessed.

As previously, I would reiterate the recommendation that signal timing optimisation work is undertaken to minimise queue lengths on the A259 Havant Road (i.e. eastbound & westbound traffic not associated with proposed development), due to the potential for a disproportionate highway impact to result from signalisation.

Design changes have increased the 'setback' of proposed properties from sources of road traffic pollutants, and so the revision does not represent a deterioration in the exposure scenario for future residents.

On this basis (and under the rationale previously presented), I have no material air quality concerns.

SuDS - design issues arising from geotechnical work, and pollution

I note that the drainage proposals have undergone a significant redesign in response to comments regarding the likely range of seasonal groundwater levels, and concerns expressed about flooding down-hydraulic-gradient of the site, and the capacity of public systems downstream of the site.

The revised scheme appears to take full account of available information, and is now largely reliant upon storage & controlled release. A substantial buffer tank proposed, discharging by rising main (only), which would permit a broad degree of (adaptable) control over downstream discharge rates to the public system. Infiltration is retained where groundwater levels allow, and permeable parking / feeder road surfaces provide a good degree of pollutant interception. Where permeable surfaces are not feasible, roadway runoff is to be to swale or filter trench drain to provide a similar degree of interception.

I have no concerns with respect to pollution, and have no specific recommendations to make. I similarly have no concerns relating to the hydrogeological setting of the site, and consider the operation of the submitted scheme under foreseeable seasonal groundwater conditions to be feasible.

I will leave it to others to comment authoritatively on runoff rates and downstream flood risk (etc.), however I would expect those comments to highlight the need for clarity with respect to the status, ownership & maintenance of related SuDS infrastructure. If elements are to be adopted, confirmation should be sought the construction is to the requirements of the statutory undertaker; otherwise details of the ownership, maintenance schedule, and long-term means of raising funds should be sought & approved prior to occupation of proposed units. From the public health perspective, this is particularly important as regards pumping stations on the foul system.

Mr. Jonathan Driver
Environmental Control Officer