

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/17/01269	Your Ref:	APP/17/00575
EH Case Officer Extn:	44 6677	Date:	27 June 2017
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/17/00575		
Site Address:	Wessex, 8 New Lane, Havant, PO9 2JH		
Proposed Development:	Variation of Condition 22 of planning permission APP/15/01425 (Residential development comprising 41 one and two bed apartments with associated car parking, cycle and refuse storage, following demolition of existing buildings) to vary approved plans relating to alterations to ground levels in regard to land contamination remediation.		

Observations / Comments:

I have reviewed the application & revised proposed plans. I note that the reported reason for the application is due to contamination remediation.

I also note that the EA has declined to comment as the Agency did not request condition 22. On this point, it appears that the Environment Agency has either not made the technical connection between the present application and the 7 no. contamination related conditions that were requested at the consultation stage for APP/15/01425, or is applying a very strict protocol to the making of a response (placing the onus on the LPA, or indeed, the applicant - to make- & address- that connection).

For clarity; conditions requested by the Environment Agency at the original application consultation were as follows;

- *No commencement prior to approval of a scheme contamination investigation & risk assessment (c.2)*
- *No commencement prior to approval of a preliminary risk assessment, site investigation, results of site investigation & detailed risk assessment, scheme for mitigation and verification of mitigation works (c.1)*
- *No occupation prior to the submission & approval of a verification report(c.3)*
- *Requirement that the LPA be notified upon discovery of any previously unidentified contamination, and that it's assessment & treatment is subject to approval of the LPA (c.4)*
- *No infiltration drainage for surface water management (c.5)*
- *No piling to be permitted without express approval of LPA, which shall not be given unless a the results of an appropriate piling risk assessment are favourable (c.6)*
- *Proper decommissioning of any investigative trial holes / monitoring wells (c.7)*

Environmental Health has no material objection to the approval of the amended plans as submitted, but I would like to make some comments by way of qualification, and in the interests of clarity with respect to our position on the scheme for contamination remediation.

At this stage no remediation method statement has been approved, and both Environmental Health & the Environment Agency objected to the discharge of c.9 parts 2-4 on the basis of insufficient information being provided in submitted documentation, and as the remediation method statement both lacked technical detail & apparently failed to address potentially significant pollutant linkages, resulting in no site betterment.

Approval of the current application could be taken as implicit approval of the clearly intended remedial strategy of vertical encapsulation by means of a clean cover. I would like to make it clear that this is not the case, and were this to be the remedial strategy put forward (in isolation), I would consider that number of pertinent issues would remain outstanding.

For example, ground level raising still fails to address risks to controlled waters issues, or lateral containment. It would also fail to either treat or remove any contamination from the site, and would therefore result in no site betterment - mobile contaminants would remain on site, and no provision put in place to retard future migration.

Any approval of the amended plans for the raising of land & buildings under this application would have no bearing on the acceptability or otherwise of an RMS yet to be submitted pursuant to c.9 (parts 2-4), and should not therefore be taken as tacit approval of a clean cover solution to address the contamination issues at the site.

Cover system

I would also like to make some comments for the benefit of the applicant with respect to the depth of cover proposed, and the landscape amendments.

I note the extensive proposed use of raised beds / planters in addition to the +0.6m ground level raising, indicating that the intention is that root systems of landscape specimens should not penetrate contaminated strata.

It is not clear from the plans whether a soil mixing separation geotextile & no-dig warning & mechanical protection mesh are proposed - perhaps more detail is to follow in submissions under c.9. I would however point out that planters are provided for in relation to hedging - probably unnecessary given the +0.6m level raising proposed. As regards trees, some additional depth is likely to be required, but needn't necessarily be achieved by means of raised planters - tree pits could be constructed to finish at the proposed finished ground level at +0.6m AEGL to provide the necessary clean growing medium.

Similarly, it does not necessarily follow that a soil cover system would raise the building internal floor levels, and therefore the ridge height by an equivalent-, or indeed any- amount.

If these features have been proposed solely for the purpose of accommodating the contamination remediation mitigation strategy, it would appear to me to be a potentially expensive solution, with an unnecessarily impact upon the built form of the completed development. It would also appear to be an oddity to seek approval of the proposed ground levels prior to establishing the acceptability of the remedial scheme.

If these features (stepped access, access ramps, and raised planters) have been specified for overriding architectural reasons (etc.), that is of course the applicants prerogative.

As is stated above, I have no material objections to the raising of ground levels, elevation of openable windows, the use of raised beds, or the extensive use of raised hedging - these factors arguably serve to improve the mitigation of potential air quality impacts on future residents of the development associated with proximity of habitable rooms to traffic queuing (with idling engines) at the level crossing.

Best Regards,

Mr. Jonathan Driver
Environmental Control Officer