

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/24/03345	Your Ref:	APP/24/00096
EH Case Officer Extn:	44 6677	Date:	05 November 2024
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/24/00096		
Site Address:	Garage Compound, Whitsbury Road, Havant		
Proposed Development:	Demolition of existing buildings and erection of a supported housing building for mothers and children (Use Class C2) with associated access and parking.		
	RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

I note that the proposal is for C2 class institutional accommodation. This is different to the assumptions of the combined geotechnical & geoenvironmental investigation, and whilst the use class was available to the authors when commissioned to produce the remedial strategy, a significantly precautionary approach was also adopted.

The garage complex was constructed on greenfield land under a 1956 consent and has not been subject to significant phases of redevelopment since. The surfacing adopted was concrete, which avoids issues with leaching aromatic hydrocarbons – as was confirmed by the intrusive work.

Essentially, save for a single non-quantified asbestos 'detect' result, the site investigation describes results consistent with an uncontaminated site.

Asbestos was identified as free fibre, and at a detect-rate of 1 in 7 samples, it might be concluded that the material must be relatively common at the site. This is perhaps not surprising, given that original plans for the garage complex include references to asbestos roofing having been used.

There is no reason to expect that there will be bulk asbestos present within soils, and the trial hole logs appear to describe re-worked & made soils of relatively shallow thickness, and with a relatively low proportion of anthropogenic inclusions. Coupled with the communal status & institutional management of the soft-landscaping and the temporary tenure of residents – the risk status of the development (based upon the demonstrated detect-rate) is probably below that which would be expected to commonly occur at existing residential properties of similar age.

In this respect, the conceptual model probably over-states the likelihood component of the qualitative risk assessment, and I am not sure that it should be considered absolutely necessary to remove and dispose of up to 0.45m depth of soils, for replacement & verification, or for encapsulation beneath a verified cover system.

This said – the order in which demolition/site clearance works are undertaken risks release of new asbestos fibres to soils, and localised contamination may be associated with individual garage units or regions where the quality and integrity of the concrete hard-stand is poor/degraded. Such areas, if present, are unlikely to be sufficient to determine that the 'site' is contaminated but could represent materials that would not be suitable for placement within service trenches containing potable water supply pipework, within areas of soft landscaping or in play areas. The inference that such contamination could be present is speculative and based purely upon the landuse and the length of time that it has been present.

To my mind, it is not necessary to seek to impose a condition requiring the execution of a remedial strategy that is based upon a more stringent risk benchmark than could be taken to apply to the proposals.

However, to cover the risk that obviously contamination-impacted soils may be uncovered when the concrete hardstand & garage floor slabs are removed, it is appropriate to impose a comprehensive unexpected contamination/contamination watching brief condition.

For clarity, this would be expected to apply to any visible fragments of suspected asbestos containing material (and soil in the immediate vicinity of such fragments, where it appears that the material has been crushed/is friable). Similarly, it would be expected to apply to any visibly stained, discoloured, or otherwise odourous soils – especially those suspected of being impacted by coal-derived products (e.g. creosote), solvents, paints, light-hydrocarbon fuels or mineral lubricants. Otherwise, hand-picking & removal of rare/occasional asbestos fragments would be acceptable. Removal actions should be documented where deposits are significant, e.g. a single deposit of more than 1sqm in area, or affected soils of more than 0.25 cum in volume. Appropriate segregation and disposal of affected materials would be expected in all cases irrespective of area affected/volume found in a single deposit – the guidance above relates to a reasonable *de minimis* threshold for notifying the Local Planning Authority & reporting under the proposed condition.

It is recommended that draft condition 9 should be substituted for the condition wording below.

Unexpected Contamination / Contamination Watching Brief (prior to occupation clause)

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (significant made soils, or any obviously contaminated, stained, discoloured or odourous soil or groundwater), or any significant buried waste material is encountered; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and 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 take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. 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 written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1) & 2) above; together with evidence which demonstrates that the agreed remediation objectives (3)) have been met.*

Reason: *Prior landuse is of a type which may be associated with discrete deposits of contaminating material / contaminated soils that could pose a risk to future occupiers of the site. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 189-191 of the National Planning Policy Framework 2023."*

Mr. Jonathan Driver
Environmental Control Officer