

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00959	Your Ref:	APP/22/00155
EH Case Officer Extn:	44 6677	Date:	21 November 2022
DC Case Officer:	Mr G Christie		
DC Case Officer Extn:			
Application Number:	APP/22/00155		
Site Address:	2 Seagull Lane, Emsworth, PO107QH		
Proposed Development:	Demolition of 2 & 2a Seagull Lane and warehouses 1, 2 and 4. Existing unit 6 Seagull Lane retained with external amendments including cladding and utility enclosure. Construction of 3No light industrial buildings split into 8No units.		

Observations / Comments:

I have reviewed the application to consider issues associated with ground contamination and air quality. My colleagues have reviewed this application to consider neighbour amenity and nuisance issues, I will not duplicate that consideration.

Ground Contamination Risk

Several of the prior uses of the site are considered to be potentially contaminating landuses, for example, builders yard, crane hire, plant & vehicle maintenance, fuel / oil storage, engineering and anodizing.

In addition, the adjacent plot was formerly used as a town gas works, and contamination from that site could potentially affect the development land. The original gasometer was located around 15m from the curtilage of the 2A Seagull Lane, and the closest structure associated with the gasworks was around 5m. Whilst the owner / applicant cannot be held responsible for contamination originating from outside the curtilage, it is appropriate to consider the risks posed to users of the proposed development from sources external to the development land.

The site is close to relevant environmental receptors (River Ems, <50m East Boundary), and risks to this surface water should also be considered.

There are commercial landuse standards for human exposures, which adopt a relatively risk tolerant approach. Standards for surfacewaters will be much lower, and so the local surface water is likely to represent the principal risk-driver. Given the potential for adjacent land to represent a source of contamination, the assessment should take care to describe the site conceptual model. The minimum standard under national planning policy is to ensure that following redevelopment, the site should not be capable of being determined to be contaminated land within the meaning of Part 2A of the Environmental Protection Act 1990, but it is worth noting that the source of contamination may be relevant to this consideration.

I do not believe the viability of the development delivery to be at risk in the event that consideration of contamination risk is deferred & secured by means of a Grampian condition. As such, an objection to the determination of this application without the support of a ground contamination survey would not be justified.

If the planning service is minded to make a positive determination in respect of this application, I would request the following conditions be included on the decision notice;

Contamination (Standard) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, 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) *A site walk-over survey &/or sufficient desk-based research to identify;*
 - *All relevant previous uses of the site,*
 - *Potentially significant features and contaminants associated with those uses*
 - *Uncertainties relating to previous use or associated potential contaminants*
 - *A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;*
 - *A summary of potentially unacceptable risks arising from contamination at the site.*
- 2) *Site investigation based on (1), 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 all receptors that may be affected, including those off site.*
- 3) *The results of an appropriate risk assessment based upon (1) & (2), 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.*
- 4) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: *Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. 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 183-185 of the National Planning Policy Framework."*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report 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: Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. 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 183-185 of the National Planning Policy Framework."

Air Quality

The Quantum of development is lower than emerging policy E23 (Air Quality) aims to address. However, I have reviewed the scheme and would note in particular the following;

- Parking provision for private vehicles appears to be in excess of SPD. Environmental Health would be able to support a lower quantum of vehicle parking on the basis of the availability of sustainable public transport options.
- Cycle parking exceeds the minimum SPD requirement, which is welcome.
- The scheme makes no mention of providing for EV charging. Whilst emerging policy IN3 does not yet carry full weight, and interim policy does not specifically cover commercial development, I would highlight that NPPF 2021 para. 112 e) is adopted policy, and some provision for charging (or preparation for future installations-) should be included.
- The scheme will deliver a marginal net gain in ecosystem (air quality) services relative to the existing site.
- The form of development includes mono-pitched rooves, in respect to units 1-5, sloping due south. It would appear that the pitch & orientation of the roof to these units would be suitable for direct solar or solar PV installation. It may be appropriate to consider exploiting this opportunity under sustainability, climate / carbon, energy efficiency & design quality policies. An installation would deliver air quality improvements (through local emissions reduction) as an ancillary benefit.

No objections arise, and no specific requirements are justified on air quality grounds alone. The above is highlighted to lend weight to any comments made by other consultees in respect of related policy.

Best Regards,

Mr. Jonathan Driver
Environmental Control Officer

