

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/04159	Your Ref:	APP/21/00405
EH Case Officer Extn:	44 6677	Date:	15 February 2022
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/21/00405		
Site Address:	Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA		
Proposed Development:	Variation of Conditions 2, 3, 8, 18, 19, 22 and 25 of Planning Permission APP/19/00703 relating to the erection of the flexible use industrial units in the south-western corner of the site (Phase 1). (25.08.21). Request to discharge conditions 4,7,9,10,11,12,13,14 & 15 (06.09.21). RECONSULTATION REQUEST for revised plans and/or documents received - Condition 9 (29.11.21)		

Observations / Comments:

Documents submitted in November 2021 follow consultation comments submitted by Environmental Health on 26/08/2021 (our Ref: CONS/21/02661), and comprise both revised versions of documents previously reviewed and documents not previously submitted in support of the APP/21/00405 consented development;

- Clancy Building 6000, Langstone Technology Park, Havant, Portsmouth Site Investigation Letter Report, 10/1424/002, Sept 2019
- Clancy Foundation Inspection Trial Pitting Letter Report (Building 1000, 4000, 7000), 10/1424/003, Jun 2020
- Clancy Supplementary Site Investigation Report 10/1425/004/Rev 01
- Clancy Remediation Strategy Report 10/1425/005/Rev 01

As a summary of the background to the recent submission; concerns raised in CONS/21/02661 related to apparently elevated soils results identified in waste classification samples from positions WS1 & WS4, that could have been indicative of a source of contamination affecting groundwater in the East of the site (as identified by elevated hydrocarbon results in water samples). This was of concern because the elevated soils results were very similar to those found at identified hotspots (for which remediation was proposed), but the 10/1425/004 report neither provided a detailed consideration of controlled waters as a risk driver for the site, nor an explicit consideration of the origin of elevated soils results.

Documents .../002 & .../003 were referred to in previously submitted reports simply by their reference number and the description 'letter report'. As such, their subject & scope was unknown, and it was assumed that relevant information might be contained within the documents not previously submitted (10/1424/002 & .../003) about positions WS1 & WS4, or that they may contain narrative risk assessment relating to controlled water's receptors.

10/1424/002 & 10/1424/003 Letter Reports

The works described in these reports were undertaken for geotechnical purposes, and focus upon shallow soils. No material information is contained within these reports which directly clarifies the previously raised concerns.

10/1425/004/Rev 01 Supplementary Site Investigation Report

WS1 & WS4 Soils Results

Concerns raised about hydrocarbon concentrations at locations WS1 & WS4 were based upon results presented in the waste classification results summarised at Appendix IV. These results had previously been assumed to represent samples that were separate (distinct from-) the environmental samples presented in Appendix III. Clancy's revision of this document has identified a transposition error affecting the assessment results for soils from WS1 & WS4. In the rev. 00 report, the results from WS2 were attributed to WS1 in error, and similarly, results from WS5 were attributed to WS4.

Whilst not specifically acknowledged, the transposition error indicates that the Appendix IV results do not represent separate sample analyses, and instead derive from the Appendix III environmental sample results - compiled by the authors and entered into an assessment tool to derive waste classification results. I have reviewed the waste results again, and it would appear that the errors are limited to the TPH parameter, and that all waste classification results presented in the Rev 00 report were affected.

Whilst some Appendix IV results have been corrected by the authors in the Rev 01 document, I note that a substantial number of transposition errors remain. Most results from WS10-WS32 are mis-attributed by one sequential sample (e.g. WS_x result applied to WS_{x-1}), and classification outcomes for these samples are still affected. For the purposes of this application, it is important only to establish the provenance of results, that there were errors (in the rev 00 document), and that the original errors which led to a material concern can (now) be attributed with confidence to the hotspots previously identified (and not to other areas of the site).

Now that it has been established that the waste classification summary results have been derived from the environmental samples, I have reviewed the Appendix III results for WS1 & WS4 and I am satisfied that (whilst samples were not scheduled for TPH parameters-) the results the metals / PAH results are not indicative of a soil source in these locations.

Controlled Water's Risk

The revised report does not present a more detailed consideration of controlled water's receptors as I'd previously recommended, but it does now acknowledge that an 'in principle' risk may exist in respect of the Langstone Mill Brook (beyond the Eastern Boundary of the development land).

I would agree with the authors that the surfacewater is a key risk-driver, notwithstanding that the secondary aquifer underlying the site comprises both a receptor and a migration pathway, and that a degree of contamination of the principal aquifer has also been noted.

I would also acknowledge that a detailed consideration of risk posed to the Langstone Mill Brook from the identified sources of soil contamination is less pressing having established that positions WS1 & WS4 are not likely to represent additional / poorly characterised sources of soil contamination.

Uncertainty remains as to the source of groundwater contamination noted at WS9, BH5 & WS14, given that these positions are >150m from the identified soil-contamination hotspots and that groundwater results from these positions exceed those identified in the vicinity of those hotspots (notwithstanding that available results may not be directly down-hydraulic gradient of

the source). Unfortunately, groundwater samples collected from WS3 & WS29 were not scheduled for TPH analysis, and no attempt has been made in any available report to determine indicative hydraulic gradient contours based upon levels monitoring in the available wells; this hampers the drawing of inferences about both the source of groundwater contaminants in the East of the development land, and whether these might be linked to the soil contamination hotspots identified in the West/Northwest.

However, it must be acknowledged that the red-line boundary of the consented development does not comprise the entire business park site, and as a result, any sources of gross contamination (of soils or groundwater) associated with buildings 2-7000, alongside parts of parts of building 1000, would be outside the scope of condition 9 to this application. Positions WS9 & BH5 (closest to the receptor, and greatest water concentration, respectively) both fall outside the current application red-line area.

Whilst problematic to the comprehensive wholistic assessment of contamination at the business park, it is acknowledged that the redline area is a constraint which necessarily impacts what may be regarded to be material to the application & effect of planning policy, and that it is not possible to directly address the uncertainty as to the source of the identified water contamination under the scope of condition 9.

Remediation Strategy Report (RS) 10/1425/005/Rev 01

The RS has been revised to accommodate the comments of Environmental Health. Taken together with the corrections & clarifications in the 004 report, the revisions largely adopt prior recommendations; in particular-

- activities under the Materials Management Plan are now to be included in the site certification / verification report alongside a narrative description of iterative remedial works (verification sampling, adjustment of remediation area & re-testing etc.)
- consideration is to be given to the need for a formal clean cover system, by means of formation level verification sampling
- Clean cover will not be used where contaminants might impact environmental receptors, or humans via pathways other than direct exposures
- The long-term efficacy of clean cover will be ensured by incorporating an 'no dig' barrier, to arrest bioturbation processes.
- Potable water supplies to the development buildings are to be protected through use of either barrier pipe or lined/isolated service trenches with clean fill.

It was also recommended that the report clarify screening values to be used, and the rev 01 report does include some additional text to address these concerns. Comments in sections below.

In-Situ screening for Total Volatiles (PID screening)

The report clarifies that a screening value of 10ppm is to be applied to in-situ screening (vapour monitoring). This corresponds to a Benzene equivalent of $>3100 \mu\text{g}/\text{m}^3$, and would represent the potential for harm in a confined space in a commercial setting. As such, it is not considered to be a particularly conservative benchmark, and whilst it is acceptable as a screening value to guide remedial activity by source removal, I would recommend that all PID readings taken in verification sampling locations are recorded & included within the verification report for context, given that available results indicate the potential for undiscovered sources of contamination to exist within the wider business park site that may be impacting groundwater quality.

Soil Screening Values for Hydrocarbon Contamination, to be protective of Controlled Water Receptors

Section 3.4 provides a clarification on the application of aqueous solubility levels to guide

source removal works. This was requested as it was unclear how solubility limits were to be applied so as to be relevant to a controlled waters receptor. The new text refers to temperature-dependent solubility limits used within the CLEA model. It is my understanding that these values are relevant to the assessment of vapour exposure & plant-uptake pathways – indicating a saturation of vapour pressure limited by either a phase-transition via pore-water (sol) or direct to vapour (vap). This is not the same as describing the maximum soil concentration which is capable of contributing to dissolved-phase groundwater concentrations (or indeed the concentration which is likely to give rise to ‘saturated’ groundwater, where the maximum dissolved-phase concentrations are likely to be reached). In this way, the sol/vap values are not directly informative of soil concentrations that would represent a ‘negligible-acceptable’ risk to controlled waters.

The proposal to screen soil concentrations to human health-based sol/vap values is in line with USEPA procedure, and is considered conservative under UK system for human health assessments. Given the relationship with absolute solubility, and the sol concentrations quoted in Appendix II; I would consider these values to be acceptable as an arbitrary benchmark for controlled waters risks where values are available, but I would caution that the lack of available values (e.g. for non-volatile but soluble- and environmentally harmful-) substances should not be regarded as indicating that these substances do not pose a risk to controlled waters.

The success of remedial works in the absence of a specific controlled waters risk assessment (under a strategy of general betterment) is necessarily reliant upon appropriate expertise in the operation of oversight & active management of both the remedial works (and their verification), and the watching brief (referred to on pg.7). I am content for this to be picked up as a condition 16 matter but for the benefit of the applicant, I would highlight that condition discharge issues might arise where appropriate expertise is not exercised in the application of Appendix II values during remedial works and groundworks phases of the development.

Other Comments

The remediation strategy reiterates the intention to effect remediation of the two identified hotspots under a physical source removal strategy (dig & dispose). However, I am aware that an in-situ soil treatment specialist has been instructed to prepare an alternative Remediation Strategy / Method Statement which provides cost & sustainability enhancements, based upon a stabilisation process which retains contaminants in a form which substantially limits their release to groundwater.

The current application seeks the approval of the Clancy .../005 RS Report as the remedial strategy, and this could be procedurally problematic in that in principle, condition 16 requires verification of works ‘required in accordance with condition 9’

I have previously highlighted a risk that source removal works (proposed) could become contrary to c.9 2) (point 2, ‘...with due regard to sustainability’) if the in-situ screening used to guide the depth & extent of works identifies soils with concentrations above screening criteria over a greater area / depth-range to that anticipated. There was not sufficient concern to support an objection to this strategy, but it is for this reason that the alternative (stabilisation) strategy may be preferable. In principle, either strategy is acceptable, and it should be possible to discharge c.9 on the basis of the submitted remedial strategy, whilst leaving the applicant the option to adopt an alternative strategy by agreement of the LPA.

I believe that the ‘compliance’ clause of the condition 9 wording (*‘All elements shall be adhered to unless agreed in writing by the Local Planning Authority’*) would accommodate this flexibility – and it is assumed that where the applicant wishes to pursue an alternative remedial strategy this would be managed in the same manner as a condition discharge under c.9 parts 2) & 3), with a refusal (to agree) having the effect of requiring the remedial strategy submitted with this application be implemented as approved.

Provided that the Development Management service is content that this is procedurally workable, there should be no need to clarify the applicant's intentions ahead of approving the discharge of c.9. On this basis, no objections are raised, and the discharge of c.9 is supported / recommended.

Mr. Jonathan Driver
Environmental Control Officer