

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/01783	Your Ref:	APP/22/00492
EH Case Officer Extn:	44 6677	Date:	27 September 2022
DC Case Officer:	Mr G Christie		
DC Case Officer Extn:	6513		
Application Number:	APP/22/00492		
Site Address:	31A North Street, Emsworth, PO107DA		
Proposed Development:	Construction of 6 No. Dwellings (2No.1bed, 3No.2bed 1No.3bed) with associated out buildings and parking, with minor amendments of design and siting - Revision of APP/19/00854		

Observations / Comments:

No objections to the principle of amendments to the APP/19/00854 scheme. I am unclear on the planning process with specific reference to the concurrent application to discharge the slightly awkwardly worded c.7 of APP/19/00854, and the current application which seeks minor material amendments to the APP/19/00854 scheme.

It is workable to simply transpose the wording of APP/19/00854 c.7 to APP/22/00492, and for that condition to be treated in line with the recommendations of (our ref-) CONS/22/02004. However, where the effect of approving APP/22/00492 would be to fully supersede APP/19/00854, the opportunity exists to resolve administrative difficulties that arise from the condition wording.

Assuming that the latter is likely, and in-line with the assessment & recommendations under CONS/22/02004, I would raise no objection to the granting of consent under this application subject to the following conditions;

Contamination [1] (*Standard – omitting EDS, based upon submitted EDS proposals*)

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 may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) *An intrusive site investigation based on the proposals outlined within the RSK Environment Ltd. Primary Risk Assessment Ref: 305019 R01; 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 identified receptors.*
- 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 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: *To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination; in line with policy 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 2021. 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 occupants or to local controlled waters."*

Verification [2] (Standard)

*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: *To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination; in line with policy 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 2021. 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 occupants or to local controlled waters."*

It is acknowledged that the RSK 305019 R02 (00) addresses Contamination [1] 1) & (partially-) 2), and that the GCC – JJ22-014-R02 (1.0) Remediation Strategy seeks to address 2) & 3). As per the recommendations of CONS/22/02004, it is necessary to retain the full suite provisions of Contamination [1] to retain maximum flexibility in the approach to addressing the outstanding risks (namely vapour associated with local soils). The separation of the assessment & design condition from the verification condition affords opportunity for the Contamination [1] condition to be discharged in full once the applicant has addressed the comments and recommendations of CONS/22/02004, and seeks consent to commence/recommence development works at the site.

I believe this would be preferable, and I would recommend this approach if it is feasible.

Mr. Jonathan Driver
Environmental Control Officer