

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00372	Your Ref:	APP/14/00863
EH Case Officer Extn:	44 6677	Date:	31 March 2022
DC Case Officer:	Steve Weaver		
DC Case Officer Extn:	44 6512		
Application Number:	APP/14/00863		
Site Address:	Linden Homes Development Site, Bartons Road, Havant		
Proposed Development:	Demolition of existing buildings and erection of 55 dwellings; comprising 6No. 2 bed flats; 9 No. 2 bed houses; 33No. 3 bed houses; 6No. 4 bed houses and 1No. 5 bed house; together with access, landscaping, car parking and open space. Felling of trees covered by TPO 1328. Joint application with Havant Borough Council and East Hampshire District Council, Havant Borough Council is the Lead Authority. (Approved 25/02/2015) (...) Request to Discharge Condition No.26 (30.06.21) [Received 08/02/2022]		

Observations / Comments:

This consultation follows a previous application to discharge c.26 in 2019, in respect of which Environmental Health provided comments (our ref: CONS/19/00823, dated 29/05/2019). It is not clear that either the applicant or the Environmental Consultants acting on their behalf has reviewed & taken account of those prior comments, as a number of the highlighted issues remain.

Given the omission of key details, those prior comments were made on the basis of a number of assumptions, the most notable of which in relation to the current submissions being that i) No soils importation was required, and ii) all placed soils were site-won. The recent submissions confirm that neither of these assumptions are/were accurate – confirming that approximately 350 cu.m topsoils were imported (sufficient to cover approximately 900sq.m at 0.3m depth).

The submitted GESL report (GE15735/GR04/210514) aims to provide commentary on documentation submitted by a third party on imported soils only. There are no factual omissions or errors that I can see with the assessment, and the report (and the supporting information referenced) is accepted as confirming the quality of soils imported.

Unfortunately however, this does not address the key concerns highlighted previously, which may be briefly summarised as follows:

- None of the verification documentation submitted to date has included a record of the movement of site won materials within the curtilage of the site from the point of excavation to the location of it's deposit. Both the Remediation Method Statement

(RMS) & Materials Management Plan (MMP) required these records to be kept and verified independently of the contractor

- For the above referenced records to be meaningful, an indication of the position of the deposit within the final succession would also be required.
- Evidence of consultation with Portsmouth Water with respect to the required specification for potable supply pipework, and where barrier pipework is required by Portsmouth Water, evidence to confirm it's installation.

The verification reports referenced within the latest submission (GE15735/GR01/170515 & GE15735/GR01/190321, both previously reviewed) omit the full content that the previously approved Remediation Method Statement & Materials Management Plan stated would be evidenced.

I have previously indicated to the Development Management Service that the omission of this level of detail means that we are unable to reasonably dismiss the risk (that is always inherent with a scheme reliant upon a complex materials management plan-) that contamination-impacted soils could have been placed on the 'clean side' of the cover system (previously shown to be in place, at an appropriate depth).

The averaging areas now correspond to relevant areas within the curtilage of the completed residences (rear gardens for example), which increases the risk that a small volume of contaminated material could result in a property being determinable as contaminated land. The avoidance of this is the fundamental purpose of the minimum standard enshrined within paragraph 183 b) of the NPPF (included in all prior versions), and so the fundamental purpose of condition 26 to this consent.

I note that no waste tickets have been provided to evidence the off-site disposal of significant volumes of excess or out of spec soils, no stockpile inspection or sampling- soils movement & placement- records have been provided in respect of site won soils, and the verification documents do not provide a narrative as to the destination for soils at the site that were determined to be unsuitable for private garden areas.

The applicant/developer needs to show that the development is suitable for use, and I think that fundamentally, the verification documents do not demonstrate that this is indeed the case. For this reason, I cannot see how I could justifiably recommend discharge of condition 26, and so I feel that I must object.

Scale of Risk

I understand & appreciate that the residential units in question have been occupied for some time now. It is therefore helpful to provide a narrative qualitative assessment of the magnitude of potential risks to health. The text below is in line with advice given to a prior development management case officer in April 2021.

The actual risks in question are principally medium-to-long-term risks (exposure over several years, in the case of infants – lifetime exposures in respect of adults), and do not generally represent acute risks. In principle there's no immediate risk to anybody. I think there may have been a degree of asbestos contamination however, which could *in principle* represent an acute risk, however I don't recall results from the prior site investigations that would give rise to significant concern about acute risks, and in the interests of perspective, it must be recognised that asbestos is a common contaminant found within garden soils of older housing stock.

I do not consider there to be any cause for immediate alarm, however I do consider it necessary to resolve the non-compliance with this condition.

Way Forward

In the first instance, where documentary evidence capable of resolving the uncertainties in soil garden quality are available, these should be submitted in support of a fresh application to discharge condition 26.

Where this evidence is inadequate, was not collected during groundworks, or is no longer available; it may be necessary to 're-investigate' the site (i.e. 're-verify' the quality of clean cover) to confirm that the remediation plan was implemented satisfactorily. This would of course require access to occupied properties, and a degree of physical disturbance.

Remedial work could be required if this process shows that the remediation plan was not implemented as agreed & unacceptable risks remain.

By way of practical guidance;

- Given that we are concerned with average quality of near-surface soils within plot boundaries, spatially composite samples would be acceptable for physical confirmation of garden soil quality, provided that each composite sample is composed of samples from common strata (i.e. either from topsoil or sub-soil [not both]), and each sample is of material obtained from a single plot.
- An iterative approach would be acceptable, and a sample density of <1 sample per plot (i.e. a random representative sample of plots) should be considered in the first instance (1 in 4 should suffice).
- Where results of concern are identified, additional non-composite plot sampling might be appropriate at specific plots (i.e. those with results above generic assessment criteria [>GAC], to confirm the result).
- Increasing the proportion of sampled plots might similarly be required if >GAC results are obtained from multiple plots, or are confirmed at individual plots to be significant results.
- The topsoil specification included within in the approved RMS should be used to determine the applicable GAC.
- Remedial works are likely to comprise replacement of topsoil, and should be regarded to be a last resort following positive confirmation of need. The extent of remedial work will be limited by the depth to the separator layers of the cover system & curtilage of affected plots (assuming any are identified).

Mr. Jonathan Driver
Environmental Control Officer