

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00532	Your Ref:	APP/19/00427
EH Case Officer Extn:	44 6677	Date:	22 March 2022
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/19/00427		
Site Address:	Land south of, Lower Road, Havant		
Proposed Development:	Development of 50 new dwellings together with access, landscaping and open space (Approved 13.07.2021). Request to Discharge Conditions 3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21 & 22 (10.08.2021) RECONSULTATION REQUEST for revised plans and/or documents received re Condition 16		

Observations / Comments:

I have reviewed the following documents in connection with the application to discharge condition 16;

- GE17736-GR02-181102rev[-]; Results of Supplementary GI & In-Situ BH Soakaway Testing
- GE20525-RSVP-AUG21v1.0 - Remediation Strategy & Verification Plan (RSVP)
- GE20252/FG02/220222 – Validation of PAH impacted hotspot (VR)

I have not reviewed prior versions of the above documents, most notably GE20252-FG01-211116 – Validation of PAH hotspot.

The supplementary GI concerns hydrogeology only in support of c.7 matters, and does not contribute materially to the discharge of c.16.

I would disagree with the conceptual premise that underpins the limited scope of works described within the RSVP. I do not feel that the approach to remedial work is supported by the evidence presented within the GE16507-GAR-NOV17 v1.0 Ground Appraisal Report (GAR) – there was only one sample location associated with the farm track (WS4), and several determinands from that location were shown to exceed residential & public open space generic assessment criteria (GAC) over a variety of depths sampled.

It is not possible to conclude from these single-location data-points or the available desk-based information that the soils characterised at WS4 are not likely to be representative of the track construction as a whole (or that the association with the track is coincidental, and that the unacceptable material is actually likely to originate from a land-levelling or material-disposal activity. Given the available information up to the date that the RSVP was authored, I would have argued that further delineation (additional targeted ground investigation for human health purposes) should be undertaken. Had the RSVP document been submitted in isolation, prior to

the undertaking of remedial works, I would have rejected it on this basis.

As it stands however, the remedial works have been undertaken as proposed within the RSVP, and the VR provides additional context.

The VR provides a good level of illustrative photographs which are informative as to the nature of the made soils, in particular, indicating a low likelihood that the elevated PAH derive from coal-tar containing asphalt (for example). The materials appear chalky/ashy, with elevated PAH likely deriving from a combustion source. It is notable that the made deposits are evident at the sides of remediation excavation, and according to the photograph annotation, have been subject to validation sampling.

The validation sampling exercise also included verification from the stockpile of excavated material, which is good practice. Despite the identification of >500 mg/kg TPH at WS4 within the original investigation, only two samples (from the stockpile) were scheduled for speciated hydrocarbons – this limits to an extent the certainty of conclusions that can be drawn from the results, but the results derived are unambiguous and are to a reasonable extent instructive as to the character of the material.

Taken together, it would appear that the results from WS4 were (somewhat unusually-) representative of the upper end of the contamination concentration distribution associated with the made soils. Most notably, the greatest concentrations were noted within retained soils at the side of the excavation, and samples taken from the excavated arisings returned concentrations below the most stringent residential GAC. Were the validation results available at the time of the GAR, it's conclusions would likely have been that no remediation was necessary.

Given this, it is appropriate to re-evaluate the extent to which the GAR WS4 results are considered representative of material deposited in association with the track; it would appear likely that the results of concern are not indicative of the average chemical quality of this material.

Contaminated land regulation is concerned with the average quality of soils within a relevant area, and as a result the GAC apply to average-, and not maximum recorded- concentrations. On the basis of the information submitted, I would consider that there is a low likelihood that any land within this development red-line area could be determinable as contaminated land following completion of the development – subject of course to the application of diligence in the application of the discovery strategy (in accordance with c.16 b)).

Conclusions & Recommendations

The GE20252/FG02/220222 report is accepted as evidencing that no material of unacceptable quality remains in the vicinity of WS4.

Having considered the clauses and requirements of condition 16 however, it is not possible to determine whether the validation report should include any information in connection with the provisions of c.16 b). For this reason, notwithstanding that I am not rejecting the reports submitted – *I would recommend refusal to discharge c.16 at this time.*

This decision will have no effect upon the build-schedule, as the bespoke condition applied is not a Grampian condition and instead has a 'prior to occupation' clause.

The appropriate time to apply for discharge of c.16 would be upon completion of general groundworks (services, access & foundations) at an absolute minimum, or (given the imported soils provisions of both the GAR & The RSVP-) ideally after placement of topsoil within the private amenity spaces of completed residential units.

I would highlight that condition wording omits a standard clause which confers flexibility for the discharge of conditions on a spatial basis – this was not a deliberate omission, but could in principle have technical implications where the applicant/developer wishes to pursue a phased

development or phased occupation at this site. Given the level of risk associated with the site, it may be appropriate to agree discharge of the condition on the basis of information from a limited number of completed units (e.g. when the first tranche of units are ready for occupation – where the general site groundworks have been completed, and soil import requirements or soils supply source has been determined, etc.).

Mr. Jonathan Driver
Environmental Control Officer