

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02735	Your Ref:	APP/21/00783
EH Case Officer Extn:	44 6677	Date:	18 August 2021
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/21/00783		
Site Address:	32 New Lane, Havant, PO9 2NG		
Proposed Development:	Application to determine whether prior approval is required for the method of demolition of buildings including slab removal and any proposed restoration		

Observations / Comments:

I have reviewed the supporting documentation to this application alongside the application cover letter. I note that my colleague has highlighted inconsistencies between the (general) Construction Management Plan (CMP) and Collins Demolition Plan (DP). This is perhaps unsurprising, given the different authors – but it does result in a lack of clarity on the means of undertaking the demolition works.

I would also highlight that there is a contradiction between the text of the cover letter & application description, and the scope of works outlined within the DP. Specifically:

- the cover letter states that *‘...excavation of any substructures and foundations will need to be approved via the current planning application APP/21/00200’* (assumed to refer to the anticipated ground contamination conditions suite),
- the application description states that the scope of activity is limited to *‘... buildings...slab removal and any proposed restoration’*, whereas;
- the DP extends the scope of work to include works to *‘...expose and remove all below ground obstructions such as historic footings, foundations, basements and tanks.’*

The Outline Remedial Strategy & Implementation Plan proposes additional investigation as a ‘remedial’ measure. The scope of works outlined within the demolition plan risks prejudicing these investigations, through internal relocation of spoil which will harm (or possibly preclude-) the ability to draw conceptual inferences from soils results. Given this risk, I would recommend that either;

- i) all below slab works are overseen by a Geo-Environmental consultant, or
- ii) that the proposed (and required) investigative works are scheduled to be undertaken at appropriate points within the demolition timetable (e.g. to follow slab removal, and precede works to ‘expose and remove of all ‘below ground obstructions’)

It is unlikely that the full scope of demolition works could be undertaken with sufficient care & discipline so as to avoid the translocation of soils originating in areas of the site that are scheduled for further investigation, so as to avoid prejudicing the contamination assessment.

In terms of the associated conditions (EA proposed conditions [1] – [4], with EH proposed amendments), it would appear that the scope of works would not be contrary to the principal condition (as proposed). That condition does not seek to limit the ‘demolition’ exception to above ground elements, and as a result, the works could be accommodated without there being a strict need to address APP/21/00200 conditions discharge as a parallel administrative process.

In terms of risks, the removal of slabs will introduce additional drivers for contamination migration. Exposure and removal of below ground obstructions will increase these drivers (create voids, increase surface area exposed to percolation of rainfall, create low points and preferential drainage / soakage points etc.). Were the timetable not as tight as proposed, or were there greater uncertainty as to the likely limit of the previously identified contamination, this might be a greater concern. As it stands, I am content that the exposure of soils (and associated introduction of new mechanisms for contamination mobilisation/migration-) does not represent an unacceptable risk.

In principle, the above-highlighted risk of prejudicing assessment could be regarded to be a risk to the applicant, rather than a material planning issue – whilst there is a risk that (in the event that investigation follows execution of the full scope of the DP-) the investigative effort may be increased, the assessment work would still be caught by the anticipated APP/21/00200 conditions, and would still be required to the same standard. The risk to the applicant is in both the potential for additional complexity/cost of the proposed works, and to the construction timetable in the event that conditions discharge issues arise as a result.

The Council could accept that these are matters which are insufficient to require approval of the method & scope of demolition, and that the applicant is bound both by the anticipated APP/21/00200 conditions, and the general liabilities established under the NPPF.

Construction Management Plan

The plan is largely acceptable, and contains some examples of best practice (e.g. Air Quality & Dust monitoring throughout works). I note some inconsistencies between the CMP and DP, and a couple of provisions which give rise to potential for pollution concerns. In the interests of brevity, listed below with minimal discussion;

- Sheeting of (vehicle hauled) ‘contaminated’ material is proposed. No similar provision is made for other materials – all dusty material transported off site should be sheeted.
- ‘Temporary site drainage, including site runoff’ is proposed to be discharged to ‘sewers where appropriate’. The CMP does not make clear whether drainage will be segregated, or whether runoff will be directed to foul in order to prevent excessive siltation of watercourses. It should be noted that the public surface water sewer discharges direct to the Lavant at 472122 107239, 250m from the site, and that suspended solids represent a significant pollutant. If drainage systems are to be segregated, I would recommend that provisions are made to avoid excessive sediments from entering the public surface water sewer network (or indeed, other chemical pollutants being transmitted via this vector to the statutory main river, where EQS’s apply)
- Refuelling procedures outlined within the DP are inconsistent with provisions of the CMP – in particular, in respect of the use of drip protection, and where refuelling may take place. Use of drip trays is best practice, and should be observed where practical.

Conclusions

Given the anticipated protections under the related application, I do not consider it to be necessary to require prior approval of demolition works. Risks are flagged to the applicant, and

recommendations are made in the interests of the applicant, in order to facilitate a smooth transition to onward development.

Pollution prevention recommendations are given as recommendations only – the CMP is a live document, and may be amended to account for these issues. In the event of a pollution incident, the Environment Agency would be the appropriate enforcement body, and liability would rest with the developer / principal contractor. I am assuming that it is reasonable to regard external pollution enforcement regimes as falling within the remit of NPPF 2021 para. 188 (pollution control regimes), given the temporary nature of these works and the developers general liabilities / duty of care.

On this basis, I don't regard the limited range of issues highlighted as sufficient justification for requiring prior approval of demolition works.

Mr. Jonathan Driver
Environmental Control Officer