

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02420	Your Ref:	APP/20/00251
EH Case Officer Extn:	44 6677	Date:	04 August 2021
DC Case Officer:	Paige Harvey		
DC Case Officer Extn:			
Application Number:	APP/20/00251		
Site Address:	North Street Arcade, 1-3 North Street Arcade, Havant		
Proposed Development:	AMENDED PROPOSAL) Construction of 29 No. one and two bedroom apartments in a part 2 and a half / part 4 storey extension fronting onto Prince George Street together with the provision of infill flexible use (Classes A1/A2/A3) town centre commercial units to North Street frontage following the demolition of existing 1 and 2 storey retail development to rear. (Approved 31.03.2021). Request to discharge condition No/s 4, 5, 6 and 8 (27.05.2021). Request to discharge condition No. 14 [Contamination] (24.06.2021)		

Observations / Comments:

I have reviewed the Soils Ltd. Main Investigation Report Ref 19380/MIR_R27 June 2021. That report references a preliminary investigation report (18184/PIR), which has not been submitted for review either as supporting information for this application, or previously.

In terms of sources, it is clear that the authors had not identified the presence of a fuel tank (associated with the site, but located just outside the development red-line area), it's associated pipework, or the basement 'heating chamber' (boiler house). Only made soils & former commercial market uses were identified, leading to the selection of a non-targeted sampling strategy (which was limited by the constraints of the existing structures).

In terms of receptors, the authors also appear not to acknowledge either the presence of the Lavant Culvert, or the traditional masonry construction of that culvert (indicated in planning files). The generic assessment criteria (GAC) selected for comparison with the chemical sampling results were also selected to correspond to human receptors under a commercial exposure scenario, despite residential accommodation being proposed at ground floor level – largely relevant for indoor exposure pathways for vapour, given the predominantly hard-landscaped scheme which omits private amenity spaces.

For the above reasons, the conceptual site model (CSM) which both informed the design of the investigation-, and which has informed the conclusions of the report- was incomplete.

The report is also undermined to some extent by the omission from the trial hole logs of soil descriptions relating to the 'top' metre of soils encountered (the volume of soil relevant to human health risk assessment) on all trial holes except WS1 (omitting 0.4m). No explanation is given

for this, and I can only assume that the trail holes were advanced within hand-dug trail pits to avoid buried services. It remains unclear why the sides of the pit & arisings were not used to provide a soils description.

The result of this sampling strategy is that the soils results are not directly comparable to human-health GAC at all. We may assume that the omitted profile represents made soils of a similar character to the first description given, and that the shallowest soil samples taken at depths exceeding 1.0m are characteristic of the omitted soil description – but this is only an assumption.

Samples taken are generally well placed to consider risks to controlled waters (perched groundwater, Lavant), being taken from made soils within the probable range of perched groundwater.

Soil results identified some elevated contaminants, with two exceedances of low-sensitivity residential GAC (for Arsenic & B(a)P), and some visual/olfactory evidence of contamination at WS3, close to the location of the oil-fired boiler house. Hydrocarbons were also identified at WS5 in a position that could indicate a migrating plume of contamination from the suspected sources, however, in consideration of the likely hydraulic gradient alongside the associated PAH results at this location, I am inclined to accept the analysis of these being likely to be unrelated to fuel oil (and so likely to derive from components of the variable made soils). The trace results at WS3 are however in the kerosine / gasoil range, as might be expected to arise from a heating oil source. That these trace results were associated with a *'strong paint thinners/hydrocarbon odour'* suggests that a source of contamination may be present close to this sample position, but which the sampling position did not intercept.

The report declines to make any recommendations for further / more targeted investigation, or for any risk mitigation works. This is based upon the trace hydrocarbons at WS3 being regarded as dismissive of the significance of the olfactory notes at this location – in turn based upon the absence of the local fuel source from the authors CSM.

The report recommends only that a watching brief be observed during development, noting that this is usually a separate requirement of planning consent – no specific condition has been applied in this case, and we are reliant upon condition 14 to secure a duty to report & manage contamination encountered (as a risk mitigation / remediation measure)

Conclusions

I am minded to conclude that the results at WS3 (olfactory + trace hydrocarbons within the kerosine range-) are indicative of a potential soil source of contamination in the vicinity, either associated with the former fuel tank position on land rear no. 8 Prince George's St., or the heating chamber / boiler house located adjacent to WS3, on site.

How to manage this is a matter of proportionality, and of the required degree of confidence in the status of the site.

My working site conceptual model is one of shallow perched groundwater that is potentially in continuity with a shallow masonry culvert, carrying a statutory main river (Lavant). Given the position of the river, it is possible WS3 could be perpendicular or up-gradient of the potential source relative to the local groundwater hydraulic gradient (if in the direction of the culvert), and there may be no down-hydraulic-gradient samples reported within the submitted investigation (leaving 'room' for a significant source to exist). The olfactory evidence could potentially give rise to vapour ingress concerns for future occupants of the development; given the assumed origin of contaminants, my expectation is that controlled waters are likely to be the most relevant risk driver – however the trail hole notes would suggest that a material risk is at least possible.

Given this conceptual model, it is considered reasonable to conclude that the requirements of c.14 part 1 have not been met, and that additional investigation is required to address the above-referenced possibility of a fuel/hydrocarbon source either on- or affecting- the site (and controlled waters passing through the site). The appropriate time to undertake additional investigative works would probably be post-demolition of above-ground structures, and pre-commencement of development.

An alternative approach would be to take the view that it is sufficient to rely upon a formalised discovery strategy, requiring verification under c.15. However, given the quantum of development relative to the likely scale works necessary to quantify / mitigate this risk, I would consider it reasonable to require proactive confirmation of soil conditions.

For these reasons, *I would recommend that the discharge of c.14 be refused at this time.*

Mr. Jonathan Driver
Environmental Control Officer