

Head of Planning and Development
Havant Borough Council
Development Control
Civic Offices Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2016/117926/01-L01
Your ref: APP/15/01425 |
Date: 11 February 2016

Dear Sir/Madam

PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 39 ONE AND TWO BED APARTMENTS WITH ASSOCIATED CAR PARKING, CYCLE AND REFUSE STORAGE, FOLLOWING DEMOLITION OF EXISTING BUILDINGS.

FORMER WESSEX SITE, 8 NEW LANE, HAVANT

Thank you for consulting the Environment Agency on the above application received on 25 January 2016.

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks of associated with the contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - a. All previous uses
 - b. Potential contaminants associated with those uses
 - c. A conceptual model of the site indicating sources, pathways and receptors
 - d. Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

Information provided in support of the planning application indicates that the sites previous uses include the town gas works and other industrial uses. We are concerned that as a result of these uses contamination is likely to be present which may pose a risk to groundwater and surface water.

The site lies within the groundwater Source Protection Zone 1c for the Bedhampton and Havant springs, a public water supply. Preferential pathways could cause contamination to migrate downwards towards the Chalk (a principal aquifer) and pollute drinking water supplies.

We note that a desk study report (reference 15214/DS) has been provided. We do not currently believe that the information contained within this is sufficient to identify all sources. The desk study and preliminary risk assessment needs to be reviewed prior to the intrusive investigation strategy being developed, which we request that we are consulted on.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to investigate contamination has been submitted to, and approved in writing by, the Local Planning Authority. This should include:

- Detailed site investigation proposals
- Detailed methodology(s) for any intrusive investigation works (including pollution prevention measures)
- A site specific risk assessment

Reasons

Information provided in support of the planning application indicates that the sites previous uses include the town gas works and other industrial uses. We are concerned that as a result of these uses contamination is likely to be present which may pose a risk to groundwater and surface water. Prior to undertaking the intrusive site investigation the applicant should agree the investigation strategy with ourselves and Portsmouth Water before undertaking any investigative works.

The site lies within the groundwater Source Protection Zone 1c for the Bedhampton and Havant springs, a public water supply. Preferential pathways created as a result of the

investigation could cause contamination to migrate downwards towards the Chalk (a principal aquifer) and pollute drinking water supplies.

Condition 3

No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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 to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To demonstrate that remediation of the site has been carried out in accordance with the agreed strategy.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

Information provided in support of the planning application indicates that the sites previous uses include the town gas works and other industrial uses. We are concerned that as a result of these uses contamination is likely to be present which may pose a risk to groundwater and surface water.

The site lies within the groundwater Source Protection Zone 1c for the Bedhampton and Havant springs, a public water supply. Preferential pathways could cause contamination to migrate downwards towards the Chalk (a principal aquifer) and pollute drinking water supplies.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 5

Cont/d..

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

Contamination is likely to be present as a result of the sites historical uses. Infiltration systems should not be used where contamination is present as pollutants can be mobilised and cause pollution of groundwater. Infiltration systems should not be used unless a risk assessment can demonstrate that the system would not cause pollution of groundwater.

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Condition 6

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The site lies within the groundwater Source Protection Zone 1c for the Bedhampton and Havant springs, a public water supply. Preferential pathways could cause contamination to migrate downwards towards the Chalk (a principal aquifer) and pollute drinking water supplies.

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Condition 7

Prior to occupation of any part of the permitted development, any borehole installed for the investigation of soils, groundwater or geotechnical purposes should be decommissioned in accordance with a scheme to be agreed with the Local Planning Authority. Boreholes which need to be retained post-development for monitoring purposes must be securely locked, protected and inspected in accordance with a monitoring and maintenance plan which must be agreed with the Local Planning Authority.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the Cont/d..

National Planning Policy Framework.

The site lies within the groundwater Source Protection Zone 1c (SPZ1c) for the Bedhampton and Havant Springs. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within SPZ1c.

Additional Advice

The site lies within the groundwater Source Protection Zone 1c for the Bedhampton and Havant Springs. We strongly recommend that both the LPA and developer contacts Portsmouth Water to discuss the development proposals and any concerns which they may have in advance of any permission being granted.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination online for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

If the applicant would like any further details advice we would be happy to provide this subject to a charge.

As part of this service you would have a dedicated project manager to coordinate the advice from different teams within the Environment Agency. It would also include bespoke technical and planning advice if you request this. This will allow you to have greater clarity about the assessments you need to accompany your planning application and certainty about whether the development is acceptable to us before you resubmit.

Should you have any further queries please do not hesitate to contact me on the number below.

Kind regards,

Mr Jon Maskell
Planning Advisor, Environment Agency

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