

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02523	Your Ref:	APP/18/00450
EH Case Officer Extn:	44 6677	Date:	10 August 2021
DC Case Officer:	Paige Harvey		
DC Case Officer Extn:			
Application Number:	APP/18/00450		
Site Address:	Land at Forty Acre Farm, Havant Road, Havant		
Proposed Development:	A request has been made to discharge the following condition(s) on the above application: c.12 (Verification of risk mitigation works as may be required by c.11)		

Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings (approved 17.1.2020). Request to discharge condition nos 3, 4, 5, 6, 7, 8, 10, 11, 15, 16, 21 and 23 (Recd 23.1.2020). Request to discharge condition No. 29 (received 3.9.2020). Request to discharge condition No/s 12, 14, 25 and 28 (received 16.06.2021).

Observations / Comments:

As regards the application to discharge c.11, I would highlight the following text from the J16120/db/c08 report:

"Once the buildings and areas of hardstanding are no longer occupied and access becomes available, it is proposed to carry out an additional phase of ground investigation in this area, including holes drilled through the building floor slabs to facilitate inspection and recovery of soil samples for contamination testing of the near surface soils"

This paragraph essentially proposes the spatially limited, proportionate site investigation that was envisaged at the time the condition was sought (note c.11 reason: "Contamination may be present within *brownfield* areas of the site..." - it was not intended to apply to the greenfield land where there was no history of potentially contaminating landuse)

It was also noted that the J16120 site plan included two unlabelled boreholes (for which there are no logs), alongside 5 additional boreholes denoted 'GWM' - assumed to be groundwater monitoring wells - for which the report also omits any logs or sample results. This omission was not necessarily regarded to be a significant concern – but it was nevertheless *recommended (for completeness and in the interests of transparency) that these investigation features be included in the approved documentation.*

Given the proposal included in the text highlighted above, and the reason for seeking the contamination condition at the outset;- it was recommended that a *spatially defined partial*

discharge of c.11 be granted, to permit commencement of development across the majority of the site - but to retain the impetus to confirm that no significant contamination is present within that brownfield area of the site.

Given this prior advice, both c.11 & c.12 remain in force within the area enclosed by the map annotation given on the exclusion plan, and both c.11 & c.12 require discharge *in this area*. The applicant has not provided any new information pursuant to the proposed additional site investigation, and so it has not been possible to undertake a proportionate risk assessment for the exclusion area, nor to determine whether remedial or risk mitigation actions may be necessary, or how those ought to be verified. As we have no approved verification plan under c.11 for this area, it is not possible to discharge c.12 (for this area).

With respect to the wider site; it should also be noted that the contaminated land review and discussion document (J16120/db/c08) comprises the 'risk mitigation strategy' and 'verification plan' approved under c.11. Discharge of c.11 for areas of the site falling outside the exclusion area was recommended on the basis that the works described within the document would be implemented and evidenced within a verification report (secured by c.12).

It follows that the discharge of c.12 requires a submission which demonstrates that those actions have been satisfactorily completed. The relevant actions includes the execution of the earthworks strategy and implementation of the materials management plan, as the .../c08 document describes the verification sampling rates and standards to be applied (to ensure suitability of imported material, to ensure that the site would not be determinable as contaminated land upon completion of the development).

The appropriate time to apply for discharge of c.12 would therefore be upon completion of the earthworks strategy (where no further imported soils are required, and all quality assurance sampling is completed).

Conclusions & Recommendations

For the reasons given above, I would *object* to the discharge of either c.11 or c.12 for the area highlighted on the [unreferenced / non-dated] exclusion plan, on the basis that the applicant has not undertaken the works proposed within the approved verification plan J16120/db/c08.

I would similarly *object* to the discharge of c.12 for the wider site (the area falling outside the boundary indicated on the submitted exclusion plan), on the basis that the applicant has not evidenced the completion of all relevant works covered by the earthworks strategy and materials management plan, and it is not clear that those works have been completed.

Mr. Jonathan Driver
Environmental Control Officer