

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02148	Your Ref:	APP/21/00600
EH Case Officer Extn:		Date:	12 July 2021
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/21/00600		
Site Address:	45 Hulbert Road, Waterloo, PO7 7NX		
Proposed Development:	Retrospective application for construction of carport & chicken coup.		

Observations / Comments:

I have looked over the application documents, and understand that the application is retrospective, and that the development has already been implemented.

The plans would appear to show the carport constructed over or immediately adjacent to the culverted channel of a main river, and the chicken coop within 4m of the centreline of the channel of the same watercourse.

An Environmental Permit is required for works in the vicinity of surface waters where;

- *'Erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge'*
- Undertaking *'any activity within 8 metres of the bank of a main river'*
- Undertaking *'any activity within 8 metres of any culvert on a main river'*

In order to demonstrate that the development can be supported as sustainable development, the applicant should presumably demonstrate that the Environment Agency accepts that the work can be permitted, and either that a permit may be awarded retrospectively, or at a minimum, that the work does not represent an offence that the Agency would be minded to enforce / prosecute.

It seems illogical to me for the LPA to approve a retrospective application for works which may have constituted a prosecutable offence under regulation 38(1) of 2016 No. 1154, especially where both buildings are to be used for potentially polluting activities which could be contrary to extant local policy DM10. The keeping of chickens carries risks to the surface water from suspended solids, ammonia & nitrogen, bacterial pathogens, organic compounds & detergents; garaging carries risks associated with detergents, waxes, oils, and where fuelling and/or maintenance is carried out, metallic contaminants, solvents, combustion residues and fuels.

I would expect this to be sufficient to justify a holding objection on pollution grounds. Even in the event that the Agency provides assurances as indicated above, I would expect the applicant

to provide further detail on the means of preventing pollutants from entering the surface water (e.g. drainage or SuDS features designed to intercept natural runoff and washwater, and materials accidentally released to ground, and ideally to take up nutrients associated with the chicken coop)

In the event that development management is minded to make a positive determination of this application, supported by the extant documentation, or following receipt of additional assurances or detail; Environmental Health is likely to seek an equivalent condition to that imposed upon APP/17/00462, restricting mechanical servicing, repair & refuelling of stored vehicles.

Mr. Jonathan Driver
Environmental Control Officer