

Havant Borough Council
Development Control
Civic Offices
Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2021/123019/02-L01
Your ref: APP/21/00189
Date: 22 June 2021

Dear Sir/Madam

AMENDED PLANS - OUTLINE APPLICATION FOR THE DEVELOPMENT OF NEW EMPLOYMENT UNITS TO PROVIDE UP TO 29,000 SQ M (GROSS INTERNAL AREA) FOR FLEXIBLE USE ACROSS USE CLASSES E (LIGHT INDUSTRIAL), B2 AND B8 WITH ANCILLARY OFFICES, CAR PARKING, SERVICE YARDS, DRAINAGE WORKS, LANDSCAPING AND ASSOCIATED WORKS TO PREPARE THE SITE FOR DEVELOPMENT. ALL MATTERS ARE RESERVED EXCEPT THE PRIMARY MEANS OF ACCESS TO THE SITE. BROCKHAMPTON WEST, HARTS FARM WAY, HAVANT

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency Position

We have reviewed the additional information and the new proposal for the foul water discharge to be made to Southern Water's network would be acceptable. Please note that the letter from Southern Water, Appendix C of Drainage Strategy document highlights the need for a formal Sewer Connection (S106) application to be made before connection.

We consider that the above satisfactorily addresses our earlier concerns. Subject to the **conditions** below, we therefore **withdraw our previous objection**.

The proposed development will only be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment. Please notify us immediately if you are unable to apply our suggested conditions, to allow further consideration and advice.

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Condition 1 of 4

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
1. 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.
2. 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.
3. 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 action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

Potentially contaminating activities have been identified on this site. In particular landfilled waste beneath the entirety of the site. This waste has been shown to contain elevated contaminants. These may pose a risk to controlled waters, such as the adjacent Hermitage Stream and Langstone Harbour. Risks to the underlying chalk aquifer could also be an additional concern.

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition 2 of 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 3 of 4

Prior to occupation of any part of the site, a verification report demonstrating the 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.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 4 of 4

Piling or other deep foundation using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed Piling or other deep foundation does not harm groundwater or associated surface water resources in line with paragraph 170 of the National Planning Policy Framework. Contamination may be present on site.

Advice to LPA/Applicant

We have reviewed the submitted preliminary risk assessment report, and can confirm broad acceptance with the conclusions and recommendations.

Our principal environmental concern remains any impact to the adjacent Hermitage Stream and Langstone Harbour. In particular any impact from elevated Ammoniacal Nitrogen, known to be elevated in the landfill mass. This is likely to rapidly transform to Nitrates into the environment.

We agree with the recommendation to carry out further investigation and assessment to characterise risk and requirements for remedial actions. This will be based on a source, pathway and receptor model.

Given that it is highly unlikely that significant remedial works on sources of Ammoniacal Nitrogen within any landfill cell will be viable. It is essential that any further work robustly investigates potential pathways from the impacted ground within the site to the adjacent surface water.

This should include assessment of any continuity between water/leachate within the landfill cells and adjacent surface water. In this regards monitoring for tidal fluctuation within any boreholes on site (in close proximity to tidal surface water), or tracer testing may be beneficial.

We are likely to also require testing of any existing surface water discharge points from the existing site for evidence of leachate incursion. If pathways are found or suspected, then betterment work to address the risks should be undertaken.

As acknowledged by the report any reuse of waste material generated from reprofiling can only be undertaken under an appropriate regulatory frame regime, such as environmental permitting. We would encourage liaisons with us on any potential solution, through our permitting services.

For the surface Water discharge, it is good practice to install and maintain an interceptor for any rainwater runoff collected from a car parking area to minimise risk of contaminants entering the water environment.

Environmental Permit

The applicant will need to apply for an Environmental Permit (see below) if any works/activities within 8 metres (if fluvial) or 16 metres (if tidal) of the Hermitage Stream are to take place.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

Direct dial 02030 257250
Direct e-mail planningSSD@environment-agency.gov.uk