

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/16/00626	Your Ref:	APP/16/00418
EH Case Officer Extn:	44 6677	Date:	06 May 2016
DC Case Officer:	Heather Lealan		
DC Case Officer Extn:	44 6523		
Application Number:	APP/16/00418		
Site Address:	Land rear of and including The Coal Yard, 178A West Street, Havant, PO9 1LR		
Proposed Development:	Outline application for construction of 9 dwellings with access from West Street following demolition of 178a West Street.		

Observations / Comments:

I have reviewed the application documents, and note that comments made by Environmental Health under the GEN/15/00929 enquiry have not been addressed within either the design & access statement, or the broader application pack. I also note that the application form has selected 'no' to the site representing "*Land where contamination is suspected for all or part of the site?*", where it's address is listed as "The Coal Yard", being a reasonable guide to past commercial use of the site, where a degree of sulphur & PAH contamination of soils might be expected.

Below are comments reproduced from the previous enquiry. These remain relevant; and the suggested conditions are considered necessary in order to make a development comprising residential dwellings with private garden areas acceptable. Indeed, given the proximity to the watercourse, I would consider that any comprehensive redevelopment of this site should address (seek to quantify, and if necessary mitigate) contamination risks to the adjacent surface water.

Previous Comments; Contamination

I note that private garden areas of plots 1-6 on the indicative layout directly border a substantial former laundry, operating approx. at that boundary from around 1959 to >1975, with a smaller operation on West St. operating earlier - the land to it's rear being possibly within it's curtilage (and therefore associated) at this earlier date. Laundry sites are potentially contaminating, particularly if activities included the undertaking of dry cleaning operations using chlorinated solvents or other organic cleaning agents.

Due to the proximity & location of the Hermitage, it is reasonable to conclude that the proposed properties lie down-gradient of the potentially contaminating industry / landuse. Water supply wells are marked in the vicinity on historic mapping, indicative of mobile groundwater & a

reasonable recharge rate (hydraulic conductivity). Local soils are silty / alluvial so migration distances & degradation rates may be limited. Alluvial soils can also represent a source of natural ground gas, which should either be assessed, or assumed to be a risk and simple mitigation measures incorporated within the proposed structures.

Plots 7-9 are located on site of former collection of glasshouses (present between >1867 & <1932) - these are of intermediate scale, of a size that might be associated with a large manor house or institutional property, but smaller than a commercial nursery or market garden. the land is not clearly associated with any particular property, and it is therefore unclear whether these glasshouses are likely to represent a domestic, community, or commercial operation. Glasshouses are associated with possible contamination risk from fuel if heated by oil fired equipment, or if town gas was produced on site from coal to fuel boilers. Similarly, pest control practices & substances may have involved the spreading of metallic, creosote, or arsenic based products - the prevalence of which would be determined by the intensiveness with which the glasshouse facility was used.

In terms of sensitivity, the site proposes residential use with private garden areas, overlies a secondary aquifer / borders a local surface water (designated main river) and partially intersects an inner source protection zone (SPZ1) for the public water supply. In this way, the site is likely to be very sensitive to any contamination sources identified.

In terms of liability & requirements, the applicants would be responsible for contamination on the application site only - planning requirements cannot make the applicant liable for dealing with off-site contamination at source. It could however be appropriate to require that;

- i) contamination that has already reached the site from an off-site source, be treated, and/or;
- ii) contamination likely to reach the application site in such concentrations regarded as being likely to cause harm, be prevented from doing so (e.g. through measures to prevent migration / reduce mobility)

The Glasshouses (on site) are considered to represent a possible source, but likely a relatively low risk of significant contamination. The Laundry use (off-site) is considered to be the principle risk driver - if associated contamination is present on site, it could be significant both in terms of human exposure and in terms of risks to controlled waters.

If any scheme (commercial or residential) were to be brought forward for this site, I would recommend that the applicant include with the application an environmental desk study / site walkover report, and ideally, a preliminary intrusive investigation that addresses the sources & receptors outlined above. If submitted reports are inconclusive, or recommend further assessment or remedial works, Environmental Health would seek to secure these by condition.

The omission of such assessments from the application pack is not likely to be a barrier to the gaining of consent. These assessment would instead be sought by means of planning conditions relating to ground contamination assessment / remediation / validation, alongside an informative on identifying & appropriately dealing with unexpected contamination discovered as groundworks progress.

Example conditions are given below:

Contamination (Standard) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority and notwithstanding any assessment provided

with the planning application), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A site walk-over survey &/or sufficient desk-based research to identify;*
 - All relevant previous uses of the site*
 - Potentially significant contaminants associated with those uses*
 - Uncertainties relating to previous use or associated potential contaminants*
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;*
 - A summary of potentially unacceptable risks arising from contamination at the site.*
- 2) Site investigation based on (1), to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.*
- 3) The results of an appropriate risk assessment based upon (1) & (2), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*
- 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 (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous uses of the site, and from adjacent commercial landuses that could pose a risk to future occupants, or to controlled waters.*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1, above]** 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, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant

*triggers and contingency actions (a “long-term monitoring and maintenance plan”).
The long-term monitoring and maintenance plan shall be implemented as approved.*

Reason: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous uses of the site, and from adjacent commercial landuses that could pose a risk to future occupants, or to controlled water*

Unexpected Contamination (informative, where CL condition applied)

“It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. Notwithstanding any site investigation or assessment report submitted with the planning application hereby approved, or submitted in accordance with any condition of this decision notice; contamination may be present at the site within un-investigated areas of the site associated with sources that were either unanticipated, not previously identified, or anticipated but not located. Such contamination may be identified during the course of development. In the event that any discoloured soils or groundwater, oily sheens, foul or solvent odours, or deposits / inclusions comprising obvious waste materials be encountered during groundwork, or if groundwork staff report acute symptoms (skin, eye or respiratory); works in that area of the site should cease until an appropriate assessment of the nature and extent of the suspected contamination has been undertaken. The local planning authority should be notified of the nature of the contamination, and how that contamination is to be dealt with”

Mr. Jonathan Driver
Environmental Control Officer