

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

Our ref: HA/2016/118202/01-L01
Your ref: APP/16/00418
Date: 26 May 2016

Dear Sir/Madam

OUTLINE APPLICATION FOR CONSTRUCTION OF 9 DWELLINGS WITH ACCESS FROM WEST STREET FOLLOWING DEMOLITION OF 178A WEST STREET

LAND REAR OF AND INCLUDING THE COAL YARD, 178A WEST STREET, HAVANT, PO9 1LR

Thank you for consulting the Environment Agency on the above planning application which we received on

Environment Agency Position

We can confirm that the Environment Agency has no objection in principle to the proposed development as submitted; however, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable.

Planning Condition(s):

Condition 1 – Flood Risk Assessment Implementation

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced in January 2016 by Baker and Associates and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels are set no lower than 6.701m above Ordnance Datum (AOD).**
- 2. No land raising to occur within flood zone 3. Should the site layout change and land raising in flood zone 3 become required, compensatory flood storage will need to be established within the proposed development site.**

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in

writing, by the local planning authority.

Reason 1

To ensure that the proposed development and surrounding area remain safe over its lifetime.

This condition is in line with paragraph 103 of the National Planning Policy Framework and policy CS15 Flood and Erosion Risk of the Havant Borough Core Strategy March 2011.

Condition 2 – Buffer Zone

No development shall take place until scheme for the provision and management of a 3 metre wide buffer zone alongside the Hermitage Stream shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- Plans showing the extent and layout of the buffer zone
- Details of any proposed planting scheme (for example, native species)
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan

Reason 2

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Development also gives the opportunity to enhance river corridors which is particularly valuable for wildlife.

This condition is supported by the National Planning Policy Framework (NPPF), paragraphs 109 and 118 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity.

This condition is also in in with policy CS13 Green Infrastructure of the Havant Borough Core Strategy March 2011.

Condition 3 – Groundwater & Contaminated Land

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with 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:

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

Reason 3

Information provided by the Environmental Health Officer at Havant Borough Council indicates that contamination may be present at the site due to its historical 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 (SPZ) 1c for the Bedhampton and Havant springs, a public water supply and lies on the border of the SPZ1. 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 also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 4 – Verification Report

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.

Reason 4

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 5 – Unidentified Contamination

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.

Reason 5

Information provided by the Environmental Health Officer at Havant Borough Council indicates that contamination may be present at the site due to its historical 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 (SPZ) 1c for the Bedhampton and Havant springs, a public water supply and lies on the border of the SPZ1. 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.

Condition 6 – Surface Water Infiltration

No drainage systems for the infiltration of surface water drain age 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 approved details.

Reason 6

To ensure groundwater is protected from pollution. 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 7 – Piling

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 7

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 8 – Borehole decommissioning

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 8

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 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.

Advice to Local Planning Authority / Applicant:

Flood Risk

The Environment Agency welcomes the intention of the applicant to locate no properties in flood zone 3 and ensure that no land raising will occur in flood zone 3, thus removing the need for compensatory flood plain storage.

However, whilst no properties will be located within flood zone 3, 6 properties will be located partially within flood zone 2. The present day, modelled flood level for flood zone 2 is 6.801mAAOD. Therefore, at the time of construction these properties will be at risk of internal flooding of up to 0.1m and there will need to be a reliance on flood resilience and resistance measures.

The Environment Agency does not normally comment on or approve the adequacy of proposed flood resilience and resistance measures, or flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result we are no longer a statutory consultee on 'development of land over 1 hectare' (DMPO 2010, Schedule 5) and will therefore not be commenting on the surface water aspects of this proposal. Please be aware that Hampshire County Council as the Lead Local Flood Authority are now statutory consultee for 'Major development with Surface Water Drainage', we therefore recommend that you consult them on this application.

Groundwater & Contaminated Land

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 EA website (<https://www.gov.uk/government/collections/land->

[contamination-technical-guidance](#)) for the type of information that we required 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.

Informative

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Hermitage Stream, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: www.gov.uk/guidance/flood-risk-activities-environmental-permits

Yours faithfully

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