

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	DCS/EH/JPD/131018001	Your Ref:	APP/13/00911
Ext. No:	6677	Date:	18/10/2013

DC Case Officer: Sally Smith
Application Number: APP/13/00911
Site Address: Former Council Depot, Harts Farm Way, Havant (Broadmarsh Site 4)
Proposed Development: Reserved Matters Application relating to Planning Permission APP/10/00737 for Plot 1 of new business and industrial development and associated discharge of conditions [3(i) the Reserved Matters: a, b, c and (ii) other matters: d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w] together with discharge of conditions 4, 7, 8, 9, 10 and 12 relating to the whole development site.

Observations / Comments:

I have been reviewing the Structural Soils Ltd. (SSL) Final Report on Site Investigation at Harts Farm Way, Havant, Report No. 727927, submitted in connection with the discharge of reserved matters conditions. I have also been reviewing the application documents more widely with respect to the outline area (whole site) conditions relating broadly to the prevention of pollution of controlled waters – namely condition numbers: 7 (relocation of watercourse), 8 (foul drainage works), 9 (surface water drainage), and 10 (oil separator).

It is noted that the applicant is not at this stage seeking discharge of condition 6 (investigation of water pollution potential), or condition 11 (piling methods).

Condition 7 - stream re-alignment (Ground Contamination)

I have reviewed the comments of the Hampshire County Senior Ecologist, and would agree that the issues of contamination and the water environment are interrelated. In the context of the wording of condition 6 (which does not appear to allow / enable a phased sign off) I would also tend to agree that it might not be possible to discharge conditions relating to the realignment of the stream or commencement of phase 2 construction until a clearer conclusion can be drawn with respect to the ground contamination, and an appropriate risk mitigation strategy agreed.

It may be that a s73 application to alter condition 6 would be appropriate, for the purpose of enabling a phased approach to be taken to the development; based upon the assumption that the site can be suitably zoned based upon the contamination identified / likely to be present.

I consider that the submitted report is unclear on the extent & distribution of contaminants across the site, with inconsistencies between different lines of evidence (between in situ vapour sampling, visual & olfactory evidence, and chemical analysis of soils & groundwater) pointing towards a complex picture of multiple contamination hot-spots. Although the desk-based information in respect of previous uses of various areas of the site is very good, not all identified contamination has clear provenance. This is particularly true of the hydrocarbons identified at the Western boundary of the site.

This mixed picture is considered to suggest a tangible degree of risk that soils impacted by contaminants might be present on the site that have not been identified within the investigation works undertaken to date. Such contamination might be discovered upon commencement of groundwork (e.g. site preparation, piling, foundation excavations, archaeological excavations, or stream diversion works).

The SSL report proposes (above & below ground tank / interceptor etc.) infrastructure removal, alongside removal of obviously impacted soils. However, in the absence of a quantitative risk assessment (such as the EA Remedial Targets worksheet) it is difficult to place a numeric value upon what is considered acceptable to leave in situ, and therefore what requires removal. There is similarly the issue of there being multiple contaminants present at low levels across the site, and undertaking a detailed assessment for each is not necessarily a useful exercise.

This application seeks to discharge condition 7 (stream relocation), with proposals involving the excavation of a new channel underneath the location of a former transformer room, electricity sub station, and above-ground oil tank. Limited contamination (elevated PAH) has been identified within this general area, within a trail pit located broadly perpendicular to the assessed groundwater flow direction (i.e. not directly 'down-gradient'). Given the seemingly conflicting results obtained from elsewhere across the site, this should not necessarily be regarded as strong evidence that there is unlikely to be localised contamination beneath / in the vicinity of these features, and the location of the stream channel under this area would provide a very short distance between potential contamination & the identified principle receptor, along with short-term physical disturbance.

Whilst I don't take issue with the principle of dealing with extant infrastructure & impacted soils as they are encountered (as presently proposed) during a phased implementation; at present there is no mechanism to formalise this process, whether by means of a formally submitted / agreed contamination discovery strategy, method for dealing with potentially unacceptable contamination, nor a planning condition requiring that any contamination encountered during groundwork is appropriately dealt with. A further issue would be the lack of any agreed (arbitrary or quantitatively derived) screening levels to guide any such work undertaken.

As the issues in relation to this site principally relate to controlled waters, I have sought some clarification from the Environment Agency with respect to perceived environmental sensitivities. It has been indicated to me that the Agency is minded not to provide specific comments (with respect to contamination) in response to this application. This may be largely due to the application not explicitly seeking to discharge condition 6, as opposed to being based upon a rigorous assessment of the available data (i.e. the SSL report); in this way, I do not interpret this response to necessarily mean that there are not considered to be any outstanding potential contamination / pollution risks associated with the approval of these reserved matters.

I cannot see how this application could appropriately be approved without some form of formal agreement with respect to appropriate actions to deal with contaminants on the site. It is acknowledged that it is not possible for Environmental Health to request additional / supplementary conditions under this application for the purpose of enabling the commencement of phase 1 & 2 works.

The structure of condition 6, and the lack of opportunity to request additional conditions is also an issue with respect to other aspects of the contamination assessment. The SSL report makes recommendations in relation to Human Health & the protection of buildings & services – whilst I am happy to enter into dialogue with the applicant with regards these matters, the condition is not worded such that addressing these issues could be regarded as an enforceable matter. This does not of course diminish the applicant's / developer's responsibility to ensure that the scheme is both safe & suitable for use.

Conditions 9 & 10 – surface water drainage & oil separator

Section 4.0 of the Drainage Strategy refers to highway drainage, and correctly notes that condition 10 does not apply to the highway. Due to the engineering constraints involved with the stream invert & requirement to construct roadways to adoptable standards; it is proposed to discharge roadway surface water directly to the watercourse.

Whilst this affords no improvement to the attenuation of runoff, it is similarly not considered to represent a detriment. Discharges direct to the watercourse are not ideal – but do not conflict with c.10. The risk of road traffic collisions on the low-speed access road (resulting in the release of automotive fluids & fuel) are considered to be relatively unlikely, and the absence of on-road parking minimises the

probability of significant volumes of leaked fluid from vehicles. Deep trap gullies are proposed to control solids & debris. I have no adverse comments with regards these proposals, which are not out of keeping with strategies employed elsewhere in the borough.

Section 3.0 of the Drainage strategy provides an overview of the calculated attenuation rates, control systems, and description of the proposed drainage infrastructure. 3.1.11 & 3.1.12 describe the drainage of the car parking area(s) by means of a shallow cellular 'permavoid' system, via permeable paving. Roof runoff water & service yard interceptor discharge will be via this cellular system, and final discharge is proposed to be via a dual-vortex hydrobrake to control the discharge rate.

Paragraph 3.1.12 essentially describes a surface water drainage strategy that is in direct conflict with condition 10 (i.e. not passing surface runoff from car parking areas through an interceptor), for the purpose of meeting SUDS criteria for minimising flood risk (under general NPPF provisions).

There is an increased risk of surface spillage / leakage from parked vehicles (as is often evidenced from staining in car parking bays from oil leaks etc.), and whilst there are no surface water gullies proposed within car parking areas (that would transmit pollutants rapidly to the watercourse), the parking surface is nonetheless porous, and will permit the leaching of diffuse pollution over time into the watercourse.

Service yard hardstanding drainage is proposed to be passed through a Conder interceptor located at each end of the building, of suitable size & design in accordance with condition 10.

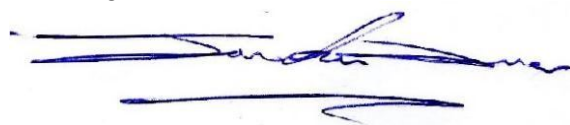
With respect to the car parking area drainage proposals, it is not clear whether the cellular system is encapsulated, or whether it allows the infiltration / percolation of waters into the sub-soils – whether this might constitute a 'soakaway', and/or whether the land could be regarded as 'contaminated ground' (or alternatively 'ground subject to a degree of elevated concentrations of certain pollutants') is a matter for judgement, and is at present unclear.

Being primarily an issue of prevention of pollution of controlled waters, I would prefer to see evidence that the principles of the proposed system have been scrutinised and/or approved by the Environment Agency – in the absence of any comment from the Environment Agency, I would be inclined to recommend that condition 10 discharge be refused on the grounds that the proposed system does not accord with the requirements of condition 10, and that a requirement for the attenuation of surface water runoff (justification for the selected system) is not explicitly provisioned within the formal consent conditions, albeit that it exists as a general principle of the NPPF.

It should be noted that if design changes are required as a result of an inability to approve the details with respect to condition 10, it will likely not be possible to discharge condition 9 until revised details become available.

On a further (minor) technical point, I have not come across an explicit timetable for implementation of the scheme, as required by condition 9 – though this is implicit within the phasing plan. A statement from the applicant with respect to the order of scheduling would likely be sufficient to satisfy this remaining provision of condition 9.

Best Regards,



Jonathan Driver
Environmental Control Officer