

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	DCS/EH/JPD/141013001	Your Ref:	[As Application Ref:]
Ext. No:	6677	Date:	13/10/2014

DC Case Officer: Heather Lealan
Application Number: APP/14/01020
Site Address: 71 & 73 Third Avenue, Havant
Proposed Development: Demolition of 71 and 73 Third Avenue, and the construction of 4No. 2 bed houses and 2No. 3 bed houses with parking and landscaping.

Observations / Comments:

I have briefly looked over the application documents, which are notably concise. This case has been allocated to Mr. Laurent Lemagnen for comment regarding housing standards, noise, lighting and any other possible nuisance issues.

The comments made here relate to Ground Contamination & Air Quality only, and should be read without prejudice to any other comments from Environmental Health.

Summary

No adverse comment with respect to air quality. Some off-site contamination risk exists, which could be significant if present. A full suite of conditions is requested. Rationale below.

Ground Contamination

The site was developed for residential land use sometime between 1867 & 1897, so there are no known or potentially contaminating land uses within the application red-line area. However, the site is located between two rail lines that have been in place from the earliest available mapping, and there is a possibility of contamination associated with chronic leakage from railway locomotives (engines, or freight carriages) to track ballast, and subsequent leaching from the (typically elevated) track ballast to adjacent land. The risk is acknowledged to be relatively low, but is nevertheless present and is arguable more relevant at this location, being near to a railway points where waiting trains might be expected (1953 mapping shows sidings located both North & South of the Rail lines to the south of the development site).

Additionally, a former gravel pit & probable filled surface water feature are located within 75m of the site boundary. Both of these features were levelled / backfilled (or tipped) by 1953, notably prior to the enactment of the Control of Pollution Act. Whilst not extensive features (totalling approx. 2250m² in plan area), the local geology (river terrace gravels & Bognor sands) is noted to be conducive to the migration of liquid & gaseous contaminants. It is reasonable to conclude therefore that there exists at least a possibility that these features (the gravel pit and possible pond) could represent a tangible off-site contamination risk if

putrescible or other harmful materials were deposited in or on the land (i.e. at the pit &/or pond).

It should be noted that these features are located adjacent to a former gas works. The council does not to my knowledge hold any specific information that establishes a link between the gas works and the former gravel pit and / or pond, however the use of these features for disposal of gas works related wastes cannot be ruled out. This is particularly true as the loss of the gravel pit & pond from mapping is coincident with the first map issue showing the the demolition of the above-ground structures at the gasworks (i.e. backfilling with demolition waste is possible). The dates of the available map issues are not sufficiently close as to draw any specific conclusion, but again, the available information does not enable us to rule out a link.

Given the above, it is considered prudent to either a) confirm the risk status of the site as a requirement of any comprehensive redevelopment to residential use, or b) to assume a risk and incorporate mitigation measures within the proposed dwellings – the former being preferred. In either case, any contamination identified during groundwork should be reported to the LPA, and dealt with appropriately.

If development control is minded to grant consent, I would request that the following conditions be applied:

Condition 1

Prior to the commencement of development approved by this planning permission, or at any other stage otherwise agreed in writing by the Local Planning Authority; a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded.

1. A desk study & preliminary risk assessment, identifying:
 - 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 upon 1), appropriate to the scale of the site and the risks identified, to provide sufficient information for an assessment of the risks to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and, if appropriate, a remediation or risk mitigation strategy based on these results giving full details of the 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of remedial measures, 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.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011)*

and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).

Condition 2

No occupation of any part of the permitted development 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.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).*

Condition 3

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.

Reasons: *To ensure future site users, buildings, potable supplies or other services are not exposed to unacceptable risks arising from the condition of land outside of the application area, including railway land. This condition is in line with paragraphs 109 and 121 of NPPF, policies DM10 of the Havant Borough Adopted Core Strategy (2011) and DM17 of the Draft Local Plan (Allocations) 2012, and to the policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review).*

It is intended that the scope of works be proportionate, and appropriate to the nature and scale of the proposed development, and the nature and scale of the risks associated with the identified features.

The applicant has a duty to ensure that the development is 'safe & suitable for use', and under national planning policy, at a minimum the development must not be capable of being determined as statutorily Contaminated Land.

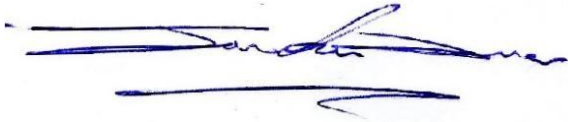
The applicant will not be required to remediate an off-site contamination source, only to ensure that exposures at the consented (if granted) development are not unacceptable.

Air Quality

It is known that the overwhelming majority of passenger railway locomotive (>98%) are electrically powered. Proximity to the rail line is not therefore considered to be an issue with respect to exposure to local sources of air pollution, and the site is not located close to any other significant known sources of local air pollution.

I have no adverse comments with respect to air quality.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Jonathan Driver', with a long horizontal flourish extending to the right.

Jonathan Driver
Environmental Control Officer