

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	DCS/EH/JPD/131209002	Your Ref:	[As Application No.]
Ext. No:	6677	Date:	09/12/2013

DC Case Officer: Sally Smith
Application Number: APP/13/01154
Site Address: (Northern 55% of) Howards Car Spares (Site), Mill Rythe Lane, Hayling Island, PO11 0QQ
Proposed Development: County Matters Application for change of use to civil engineering depot with office, materials recycling facility and extension of site into adjacent paddock for use for plant operator training.

Observations / Comments:

Comments made here relate to the pollution / contamination status of the site only, and are broadly in line with the response to APP/13/00918, relating to the Southern 45% of the Howards site.

It is understood that the application site is covered with concrete hardstanding, with limited (if any) exposed soil or soft landscaping. The previous use of the site for the storage, breaking & recycling of end-of life vehicles is however considered to be potentially contaminating. Notwithstanding the condition of the hardstanding, and the provision & condition of surface water drainage systems on site (consented trade effluent discharge, and compliance with the terms of the same); the presence of a degree of contamination within soils &/or groundwater at the site is not considered unlikely (accepting that any contamination present may, or may not represent 'significant' contamination).

Whilst the site remains within commercial / industrial use, I have no concerns with respect to human exposure to contaminants at the site. The site is however within 75m of internationally protected habitat, which may be found to be at risk whilst the site remains in industrial / commercial use.

There were no adverse comments with respect to the use of the southern portion of this site for open storage of boats and other items, as was proposed. My previous response however acknowledged the potential for significant contamination to be present at the site, and indicated that it was very likely that Environmental Health (& potentially other statutory consultees) would seek a condition requiring the investigation, assessment &/or remediation of the site (as appropriate) in connection with any future planning consent for comprehensive redevelopment of the site, whether or not the scheme is of a sensitive nature. Comprehensive redevelopment was noted to include any 'significant groundworks' or the 'construction of above-ground structures that might preclude investigation or treatment of any contamination issues identified in future'.

The proposals put forward under this application (APP/13/01154) arguably fit into the descriptions given above, representing construction of a new office building, and significant changes to ground cover (macadam hardstanding) in the north of the site. The balance of the site area is to remain largely open, as currently, and it is understood that the proposals do not include the demolition of any existing substantial structures.

Whilst representing substantial construction / alteration (of the site), these proposals are not considered to represent a comprehensive redevelopment of the site, and it is recognised that the use remains within an industrial / commercial class. I am also mindful of my response to a previous application to use a parcel of land now incorporated into this application, for boat storage

(APP/12/00055). That response did not recommend an intrusive investigation. Relevant extracts are reproduced (in italics) below.

“...Given the distance of separation between the site and the protected Harbour ecosystems, it is further considered unlikely that the site is capable of representing a source of contamination of sufficient magnitude as to pose a significant risk of harm to harbour waters & related ecosystems; despite the relative mobility of groundwater....

...Previous consultation with the Environment Agency has confirmed this rationale. The Agency has not identified this site as being particularly sensitive with regard to groundwater, and although close to Chichester harbour (protected by multiple U.K & European designations); considers that migration of contamination in significant concentrations over distances greater than 50m is substantively less likely than the risk of migration over lesser distances.”

The current proposals incorporate construction / development activity to the Southwest & Northwest of the existing structures, >100m from the waterline. The development of the site is partial, and is likely to reduce overall infiltration (and therefore mobilisation of any contamination present), especially given the proposals for rainwater harvesting & surface water collection & storage.

The extant EA trade effluent discharge permit allows 5000µg/l TPH as a direct discharge to the harbour, and it is within this context that I must consider the likely impact of not assessing the potential (arguably probable) soil contamination beneath the proposed new structures.

The area being developed represents less than 1/3rd of the Howards site (with reference to the 55% that is the subject of this application), and is the portion of the site most distant from the relevant receptor. The area of the proposed new structure / hardstanding does not currently include any features that would logically lead to a conclusion that there is an elevated risk of a gross contamination source being present on this portion of the site, when compared with other areas of the site that are remaining as currently (and in line with application comments for the Southern 45% of the Howards site, which would not require investigation until subject to 'comprehensive redevelopment').

The permitted direct discharge to the harbour allows a total hydrocarbon concentration that exceeds some estimates of theoretical solubility limits (e.g. RBCA toolkit), and this must be considered to be a measure of perceived sensitivity (by the appropriate authority for controlled waters). In the absence of a gross fuel contamination source therefore, it would seem unlikely that the total concentration of hydrocarbons in groundwater outflow from the site would exceed that already permitted as a direct discharge.

With respect to metals contamination, the change of landuse essentially removes the constant low-level input of metals via site surface water runoff by removal of the surface material, and therefore likely represents an overall site betterment. The proposed modifications to the surface water management system (including new silt-traps, and full containment class 1 oil interceptor/ separator, increased proportion of hard-standing, and storage / re-use of runoff water) are similarly likely to represent an improvement.

Previous advice given with respect to comprehensive redevelopment of the site, or a change of use to a more sensitive land use classification would still apply (i.e. full site investigation likely to be required); however I don't feel that it is proportional to the nature & scale of these current proposals.

There remains a risk of significant contamination being present at the site, and I am mindful that if present in the areas of groundworks, this should be dealt with appropriately.

I would therefore recommend conditions relating to the appropriate treatment of any contamination that may be identified during groundworks at the site (e.g. stained or discoloured soils, solvent / fuel odours, hydrocarbon sheens on groundwater etc.), in order to ensure that any potentially significant sources of contamination are not mobilised, or left in-situ & made inaccessible by means of these proposals.

Whilst I have no objections to this application in principle, I would recommend that if Hampshire County Council are minded to grant consent for these proposals, the following conditions be applied:

Condition 1

Prior to the commencement of construction of any part of the development approved by this Planning Permission, a protocol for the identification & assessment of any unforeseen ground conditions (potentially significant contamination) shall be submitted to and approved in writing by the Local Planning Authority.

The provisions of the approved protocol shall be observed throughout the undertaking of all relevant construction activities.

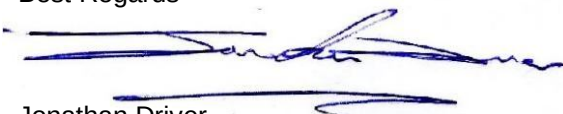
Reason: *To prevent the mobilisation, or the making inaccessible of soil contamination that may be associated with previous activities undertaken at the site, where this contamination could be considered to pose a potentially unacceptable risk to Chichester Harbour or the subjects of the SPA / SAC / RAMSAR & SSSI designations; having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Draft Local Plan (Allocations) 2012*

Condition 2

If, during development, contamination not previously identified at the site is found to be present, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be dealt with.. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.

Reason: *To prevent the mobilisation, or the making inaccessible of soil contamination that may be associated with previous activities undertaken at the site, where this contamination could be considered to pose a potentially unacceptable risk to Chichester Harbour, or the subjects of the SPA / SAC / RAMSAR & SSSI designations; having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Draft Local Plan (Allocations) 2012*

Best Regards



Jonathan Driver
Environmental Control Officer