

Havant Borough Council
Development Control
Havant
Hampshire
PO9 2AX

Our ref: HA/2013/114168/02-L01
Your ref: APP/13/00317
Date: 12 November 2013

Dear Development Control

CONSTRUCTION OF 6NO. 5 BED DETACHED HOUSES, 1NO. DETACHED RESIDENTIAL BOAT STORE AND ANCILLARY OFFICE BUILDING, 1NO. DETACHED BOAT STORE FOR SAILING CHARITY USE WITH HARD STANDING, PONTOON RESTRICTED TO 12 BERTHS (6 FOR HOUSE RESIDENTS AND 6 FOR NON RESIDENTS), IMPROVEMENTS TO SLIPWAY, BEACH, REPOSITION CONCRETE SEA DEFENCE TO SIDE OF SLIPWAY, COASTAL FOOTPATH AND THE CREATION OF ONE AREA OF COASTAL MEADOW AND ONE AREA OF CONSERVATION GRASSLAND (REVISED APPLICATION.)

YACHT HAVEN DEVELOPMENT SITE, COPSE LANE, HAYLING ISLAND

Thank you for consulting the Environment Agency on the above revised application, which was received on the 4 November 2013.

Environment Agency Position

Based on the information we have received as part of this consultation, we can confirm that we have no additional comments to make from those within our previous response dated, 19 June 2013 (our reference: HA/2013/114168/01) attached below.

Marine Licence

The construction of the pontoon may require a marine licence from the Marine Management Organisation. We would advise you contact them on 0300 123 1032 or you can email marine.consents@marinemanagement.org.uk for guidance on this.

Further information on marine licences can be found through the following link:

<http://www.marinemanagement.org.uk/licensing/marine.htm>

If you have any queries regarding to the information set out above, please contact me on the details below.

Yours sincerely

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Havant Borough Council
Development Control
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PO9 2AX

Our ref: HA/2013/114168/01-L01
Your ref: APP/13/00317
Date: 19 June 2013

Dear Development Control

CONSTRUCTION OF 6NO. 5 BED DETACHED HOUSES, 1NO. DETACHED RESIDENTIAL BOAT STORE AND ANCILLARY OFFICE BUILDING , 1NO. DETACHED BOAT STORE FOR SAILING CHARITY USE WITH HARDSTANDING, PONTOON RESTRICTED TO 12 BERTHS (6 FOR HOUSE RESIDENTS AND 6 FOR NON RESIDENTS), IMPROVEMENTS TO SLIPWAY, BEACH, REPOSITION CONCRETE SEA DEFENCE TO SIDE OF SLIPWAY, COASTAL FOOTPATH AND THE CREATION OF ONE AREA OF COASTAL MEADOW AND ONE AREA OF CONSERVATION GRASSLAND (REVISED APPLICATION).

YACHT HAVEN DEVELOPMENT SITE, COPSE LANE, HAYLING ISLAND

Thank you for consulting the Environment Agency on the above application, which was received on the 1 May 2013.

Our response to this application on flood risk matters is on the understanding that the Local Planning Authority (LPA) is satisfied that the Sequential Test has been adequately demonstrated to the requirements of the National Planning Policy Framework (NPPF).

Before proceeding to a determination, the LPA must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated that no alternative sites are available in a lower flood risk zone, in accordance with the NPPF.

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 conditions be attached to any planning permission granted:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), produced by Cowan Consultancy, ref.no. EG/320573/EG and dated 02 January 2012 and the following mitigation measures detailed within the FRA:

- 1. Identification and provision of safe route(s) into and out of the site at a level no lower than 4.250m above Ordnance Datum (AOD), as specified on**

page 6 of the FRA.

2. **Finished floor levels of the residential units are set no lower than 5.10 m above Ordnance Datum (AOD), as specified on page 5 of the FRA.**

Reasons: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

No infiltration of surface water drainage into the ground the site known as Yacht Haven 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 approval details.

Reasons: As contamination may be present at the site we are concerned that the use of infiltration systems could cause contaminants to become mobilised and potentially pollute controlled water.

No 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), shall take place until a scheme 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 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: Information provided within the planning application indicates that contamination is likely to be present as a result of the historic uses of the site. We are concerned that any contamination present poses a risk to groundwater, surface water and the harbours.

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 demonstrate that any remediation required is carried out in accordance with the agreed remediation strategy.

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 protect controlled waters.

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.

Reasons: Piling or any other foundation designs using penetrative methods could cause the mobilisation of the potential contamination at the site and create preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of controlled water.

Prior to the commencement of the works, a working method statement to cover all construction works 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.

We would expect the method statement to cover the following requirements, for example:

- Timing and duration of works
- Methods used for all channel, foreshore/ bankside water margin works
- Machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- Protection of areas of ecological sensitivity and importance
- Site supervision
- Bunding of potential pollutants

We ask to be consulted on the details of this scheme when it is submitted for approval.

Reasons: To ensure the works being undertaken minimise any impacts on the intertidal habitat and on the Chichester Harbour WFD water body.

Advice to Local Planning Authority / Applicant

Flood Risk

The area of the proposed development site where the residential units will be located is shown to be within tidal Flood Zone 2, and is therefore considered to have a medium probability of flooding.

Residential accommodation is considered to be a more vulnerable use, according to the Technical Guidance to the NPPF (Table 2) and is appropriate for this Flood Zone (PPS25 Table 3), providing the requirements of the sequential test are satisfied and the safety of the development is confirmed through the findings of a Flood Risk Assessment (FRA).

The current day 1 in 200 year tide level for this area is 3.4mAOD, rising to 4.5mAOD in the year 2115 when taking into account climate change and sea level rise predictions. Sea defences to a current day 1 in 200 year level are present at the site but these will not provide future protection to the required standard unless improved.

To mitigate the current and future risk of flooding to the residential properties the submitted FRA has stated that finished floor levels should be set no lower than 5.1mAOD. The Environment Agency considers that this will provide a sufficient freeboard (600mm) above the design tide level (4.5mAOD), and it is likely that the buildings will remain free from flooding over the 100 year design lifetime.

The FRA has also stated that the access road should be raised to a level of 4.25mAOD. It is possible therefore that some flooding would be experienced on the access road. However, given the relatively sheltered position of the site wave action and water velocities are likely to be low. Therefore access to and from the residential properties is considered possible under flood conditions and in accordance with Defra R&D Technical Report FD2321/TR1, if the road access to the site is set at this level.

The application has not provided any details as to how surface water drainage will be managed at the site. A condition requiring a drainage strategy is considered necessary to ensure that surface water runoff does not cause a flood risk or result in a risk of contamination being mobilised. Infiltration drainage should only be used in areas where

it is confirmed that there is no ground contamination and in line with any advice provided by the Environment Agency's Groundwater and Contaminated Land team.

If surface water runoff is to be discharged to the harbour, attenuation of flow rates will not be required. However, tide locking of the system may occur and so it should be designed to ensure that no surcharging occurs for rainfall events up to a 1 in 30 year storm. For events greater than this surface flooding may be acceptable providing water is routed away from buildings, access ways and does not increase risk off site. Buildings should not be at risk of flooding from the drainage system for storms up to and including the 1 in 100 year 30% event.

The marine related buildings are located within an area shown as tidal flood zone 3 (high probability) and therefore will be at risk of flooding. Finished floor levels of the units have not been provided but it is likely that they will be at risk of a significant depth of inundation. It is acknowledged that the buildings are for a water compatible use and therefore appropriate for this flood zone, but it is strongly recommended that flood resilience measures are incorporated into the design of the units.

Groundwater and Contaminated Land

The site lies above the Lambeth Group, a secondary (A) aquifer and is adjacent to the Chichester and Langstone Harbours that are designated SPA, RAMSAR, SAC and SSSI sites.

Please note, in relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters.

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 'Environment Agency Guiding Principles for Land Contamination' for the type of information that we require 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.
3. Refer to our website at www.environment-agency.gov.uk for more information.

Advice on Environmental Statement

The following information will help inform the recommended conditions regarding the risk assessment and the Desk Study:

We appreciate an additional investigation was carried out in October 2011 however the following points need clarification:

- No location plan showing the sample locations is provided (the plan referred to with the 2002 investigation is unreadable)
- There are no trial pit logs included
- Only a summary of the sample results is provided and not the raw data
- It is unclear how locations were selection
- There is no justification for the analytical suite

The reports include very limited information on the groundwater regime at the site and

further information and consideration is required regarding:

- The depth of groundwater
- Groundwater flow direction
- Whether groundwater is in hydraulic continuity with the surface water
- Any tidal influence on groundwater

Section 5.2.4 states that site average results are within guideline values, however the maximum values stated are significant and could lead to groundwater contamination but have not been assessed, we therefore recommend further assessment is undertaken.

Within table 6.1 of the October 2011 updated desk study it states that there is no significant risk of contamination leaching into groundwater and then impacting the wider environment. Given that leachate analysis has not been carried out and groundwater has not been sampled or analysed since the one round carried out in 2002, it is not clear how these conclusions have been made or that they are justified, we therefore also recommend further work is undertaken to clarify this.

The risk assessment is mainly based on information from old investigations and does not take into account the more recent activities on the site. We recommend further information is included to give an update picture and to include two incidents reported on the site in July and August 2012 relating to an unpermitted waste operation and the burning of waste.

We also recommend further information is provided to clarify the extent and nature of the landfill.

Water Framework Directive

We strongly support the conditions requested by Natural England in their response (document reference APP/11/00955). We also support Natural England's condition to limit the number of boat moorings to 12 in order to limit any impacts on the seagrass bed. For the same reason, we agree that no dredging or bottom levelling should be undertaken at the site, in line with the applicant's revised Ecological Assessment.

We have assessed this application against the 'no deterioration' requirements of the WFD, which included an assessment of the works' potential for impacts on the status of the WFD quality elements, specific pollutants, priority substances and protected areas (e.g. Shellfish Waters and Special Protected Areas).

The following elements were identified which could pose a risk to WFD compliance:

- Specific pollutants and priority substances: There is potential for residual contaminants in the subsoil to enter the waters of Chichester Harbour via the proposed culvert outfall from the contaminated landfill scrape onto the foreshore. We would like to advise the applicant that any water discharged into the harbour will have to be of sufficient quality not to jeopardise WFD compliance. You can refer to our Environmental Quality Standards as published on our website (<http://evidence.environment-agency.gov.uk/ChemicalStandards/home.aspx>).
- In terms of protected areas, WFD requires any activity in a WFD water body not to result in deterioration of the status of any protected area for the respective directive under which they are designated. Any works on the foreshore and in the intertidal could potentially result in physical damage to the foreshore habitat and release of sediments into the water locally. We therefore strongly support the

above-mentioned conditions set out by Natural England to protect the features of the relevant SSSI, SAC and SPA, especially the seagrass bed, which is also a biological quality element under WFD.

- The location of the proposed works is within the boundaries of a Shellfish Waters Directive designated area, namely 'Emsworth C'. Works on the foreshore and in the intertidal have the potential to disturb sediment. Care will need to be taken that any contamination released by the works is kept to a minimum, as any sediment plume could potentially impact the Shellfish Waters. The Shellfish Waters Directive (2006/113/EC) requires compliance with mandatory standards for parameters including dissolved oxygen, suspended solids, metals and other contaminants. We would expect that all construction and operational activities do not jeopardise compliance.

We recommend any risks to WFD compliance are controlled to ensure there is no deterioration on the water body level

Informative

The applicant is advised that any works at the site that fall within 15 metres of a sea defence must have the prior written permission of the Environment Agency in the form of a Flood Defence Consent. This requirement is separate from and in addition to any planning permissions required. Upon formal submission of an application the Environment Agency has two months in which to provide a decision.

Please note that this development may also require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506 or information can be found through the following link:

<http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx>

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

If you have any queries regarding the information set out above, please contact me on the details shown below.

Yours sincerely

Miss Verity Giles
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Direct dial 01794834590

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