

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref(s):	CONS/25/01530, R202508-103739	Your Ref:	APP/19/00003
EH Case Officer Extn:	44 6677	Date:	10/09/2025
DC Case Officer:	Robert Riley		
DC Case Officer Extn:	44 6-		
Application Number:	APP/19/00003		
Site Address:	Belmont Castle Rest Home, 18-20 Portsdown Hill Road, Havant, PO9 3JY		
Proposed Development:	Construction of a detached part 2, part 3 storey building in the grounds of existing nursing home, to enable increase in bedroom numbers to 88 (an increase of 48 beds) with associated car parking (Permitted 29/07/2022). Request to Discharge Conditions 3, 5, 6, 7 (Received 20/05/2025).		

Observations / Comments:

Documents reviewed

- 25-05-01 GCC Phase 1 Environmental Desk Study (Ref J25-038-R01 v1)
- 25-07-04 GCC Phase 2 (GeoTech & Geo-Env) Ground Condition Assessment (Ref J25-038-R02 v3)
- 25-07-04 GCC Remediation Strategy (Ref J25-038-R03 v1)
- PRELIM_FOUNDATION_GA-2135802
- PRELIM_FOUNDATION_LOAD_CALCULATION -2135800
- PRELIM_FOUNDATION_SECTIONS-2135798
- PRELIM_PILE_DESIGN_CALCULATION-2135801
- PRELIM_SUPERSTRUCTURE-2135799
- PILING_REV_A- 2168562 - Bearing
- PILING_REV_A-2168561 – Contiguous
- RISK_ASSESSMENT___METHOD_STATEMENT-2168058
- RISK_ASSESSMENT___METHOD_STATEMENT-2168059
- RISK_ASSESSMENT___METHOD_STATEMENT-2161375
- 25-07-29 CONSTRUCTION_ENVIRONMENTAL_MANAGEMENT_PLAN-2171249 rev. C

Note, it would appear from the context of subsequent documentation that J25-038-R01 v1 is likely to have been superseded by a revised version, which accounts for comments received by the authors from Portsmouth Water Company. This is not considered likely to be material to the purposes of this consultation. This document is also incomplete, notably missing the Groundsure report which would have served to provide clarity on references to former tank features being present within the development red-line boundary; of which HBC has no record.

c.3. Contamination

The plan included within J25-038-R02 v3 as Figure 2 implies that formal infill of the 'depression' feature (potential solution feature / unmarked pit) had been undertaken. I have searched the planning archive and note that consent was awarded under 89/52710/003; determined as a county matters minerals & waste application.

That application was made prior to the completion of works, but the development was apparently completed prior to the award of formal consent. As a result, the LPA saw no reason to apply any comprehensive controls or obligations as regards material quality, and the application was determined on the basis of the intent to deposit 'clean earth spoils' from an un-contaminated & non-industrial source; accepted *prima facie* notwithstanding that the donor/source site was not identified in the application, and the reason for the surplus material was not made clear. The application does include a site survey which confirms pit dimensions & extents (and thus volume, as indicated on Fig 2), and appears to confirm that the feature related to the extraction of chalk, and does not represent a doline. This is relevant to the contamination risk assessment.

Given the short timescale mass fill, it is reasonable to conclude that fill was likely placed and compacted in layers for stability as graded- if not engineered- fill. Any residual surface depression is likely to represent historic settlement. Despite fill being undertaken with few formal controls/safeguards in place, the one trial hole which intercepts the feature reports soil conditions that are broadly consistent with the 1989 consent.

The risk assessment has dismissed the risks to groundwater from poor quality fill on qualitative grounds, concludes that asbestos containing material within the fill poses a theoretical risk to future site users & employees (e.g. grounds maintenance personnel), and that gas protection to Characteristic Situation 2 is justified, in the absence of further information.

Ground Gas

I would consider a degree of caution to be appropriate in regarding the results from WS102 as being representative of the fill material – the cross-sectional area of the trial hole is small, and only this one position is available. It is noted that the CL:AIRE RB17 procedure for determining gas protection requirements from soil information do not strictly apply to deposits of this depth (regarded as higher risk-) and includes cautions about over-extrapolating from limited investigation information, especially where soil inspection within trial pits has not been undertaken, as in this case.

I note that the remediation strategy does not include specific provisions for gas protection – at 4.2.2 indicating that either a programme of gas monitoring and subsequent risk assessment be undertaken to determine need, or that protections to CS2 are required as precautionary risk mitigation, with details deferred to the 'architectural details'. I also note that the indicative structural details (e.g. hollowcore floor slab, void under) are not consistent with the outline strategy (reinforced cast-in-situ floor slab incorporating a gas resistance membrane), and that the sections drawing makes no reference to the design of- or specification for- ventilation of the sub-floor void.

Essentially, details of this element of risk mitigation, which I would agree on the basis of the available information should be regarded to be necessary; have at this stage been deferred.

Asbestos

Identified as a risk to all classes of human receptor, principally on the basis that only one small-cross-section trial hole identified the presence of asbestos containing material (ACM), leading the assessors to conclude that the material is likely to be relatively common in the imported/deposited fill material.

I would agree that this is an appropriate conclusion, however I would also regard class C2 residential use is to be lower risk (than C3 use). I would similarly acknowledge that ACM is both common, and a hazard typically encountered by grounds maintenance personnel, whereby the risk is mitigated to some extent through routine health & safety (awareness/training, working practice/procedure, and PPE).

Proposed mitigation is adequate to manage residual risks, and I would acknowledge that it is impractical to try to prove absence of any residual ACM in near-surface soils, or clean-side of any segregated cover system.

Groundwater Risks

The Phase 2 report identifies hydrocarbons and poly-aromatic results as being reported as dry-weight. It is implicit in 5.3.4 that results are derived from an eluate, however this interpretation is not consistent with the stated methods and notation/descriptions given in the laboratory report. For the avoidance of doubt, I have confirmed with the laboratory the dry-weight results relate to soil-matrix concentrations within the parent sample prior to eluation, adjusted for soil moisture content. In this way, these results do not relate to leachable concentrations, and should not be regarded as such.

Coupled with the depth to groundwater (minimum depth -8.5m [38m AOD], anticipated -30m [15.5m AOD]), low solubility, and opportunity for attenuation within the structureless chalk; I would ultimately agree the conclusion of the groundwater risk assessment in principle, albeit that the basis upon which it was reached is not particularly robust.

I would however also highlight the importance of the contamination watching brief – deposited fill might be expected to be variable in nature; only a very small proportion of its volume has been sampled, and its deposit is known to have been subject to a negligible degree of oversight. The deposit is directly into the principal chalk aquifer, being the relevant geological unit subject of the SPZ1 designation, whereby the appropriate compliance point for comparison to environmental quality standards would be pore-water within chalk directly underlying the waste body – any indication that unsuitable materials are present within the fill will be relevant to the concerns raised by Portsmouth Water Company, and may require re-assessment.

Otherwise, the broad conclusions of the risk assessment and basis for the Remediation Strategy are agreed.

Contamination, c.3 discharge recommendation

I would recommend that c.3 parts 1 & 2 be discharged, and that the decision notice make clear that the LPA agrees that the prior to commencement restrictions may be discharged on the basis of the supporting documentation submitted to date.

I do not support the discharge of Parts 3 & 4 on the basis that the design of gas protection measures has been deferred (and thus has not been presented), and by definition, a verification plan which sets out in detail what evidence the LPA may expect to be presented in a future verification report pursuant to condition 4.

It will not be possible to impose an additional compliance point – e.g. ‘no above ground construction until the requirements of parts 3 & 4 have been satisfied...’. It is expected that the applicant will make subsequent submissions in relation to parts 3 & 4 prior to progressing construction above- ground-beams (construction to- & above- ground floor structure). I would stress that progression of construction works outside of this expectation (e.g. without making subsequent c.3 submissions) will be at the applicant’s own risk, and could result in problems discharging c.4 in the event that the Council cannot agree the design or specification of protections installed.

I would caution that c.4 includes a prior to occupation clause, and that neglecting to conclude c.3 requirements could stall sale, transfer or handover at a critical juncture, and remedial works required to enable discharge of c.4 could be costly. With reference to NPPF ’24 para 197, responsibility for securing a safe development rests with the developer and/or landowner.

c.6 Piling

It is noted that the details submitted in respect of the foundation design & piling schedule is preliminary in nature, and has some implicit inconsistencies in the number, diameter & layout of piles.

Nevertheless, I would agree that basic requirements of the condition have been met; specifically the piling methods and installation depth, indicative density and materials. The reason for the imposition of this condition is identical to that given for c.7 (CEMP), and to some extent, the deferrals/uncertainties/omissions are also common to both conditions.

Both conditions defer management of risks to the principal aquifer and public potable supply to the subsequent agreement of an Emergency Preparedness Plan (EPP), to be agreed with Portsmouth Water (PWC) ahead of commencement.

Given this commitment, and the stage of development to which it relates - it would be reasonable for the LPA to take the view that c.6 should remain in force pending production of the EPP. Alternatively, the LPA could take the view that the submission to date contains a commitment to agree the EPP with PWC, and to discharge c.6 (& c.7) on the reasonable expectation that this will be faithfully executed, and that any progression in neglect of this commitment would be at the applicant’s own risk, as for c.3 above.

I regard this to be a planning call – I am fairly content to take either approach. If the latter is preferred, I would recommend that the decision notice include an informative to make clear our expectations as to the minimum provisions of the EPP (not presently included within the c.7 CEMP submission)

c.7 Construction Environmental Management Plan (CEMP)

Given the principal reasons for imposition of condition 7, and it’s similar deferral to the forthcoming EPP, the submission could be regarded to be deficient in similar manner to c.6. Equally, a similar approach to discharge could be taken, on the same basis (rely upon both the EPP and PWC’s agreement with it’s scope & content being a firm and technically enforceable commitment).

As c.6, no specific recommendation. Planning call. No objections arise to other provisions (e.g. noise, dust, traffic, complaints, materials storage etc.).

Informative – c.3, c.6 & c.7

If opting for as positive a determination as is possible based upon the current submissions, I would recommend that the following informative be included on the decision notice;

“The Council expects that the discovery strategy referred to at 10.1 of the Ground Condition Assessment J25-038-R02 v3 will include the monitoring of augered pile arisings for evidence of unexpected levels of contamination, meaning soil conditions materially different to the descriptions of Made Ground on the trial hole log for WS102 (J25-038-R02 v3), in particular, where displaying any obvious dark staining, significant presence of ash, clinker or anthropogenic waste materials, or having an oily appearance, or any significant fuel, oil or solvent odour.”

“The Council expects that the Emergency Preparedness Plan (EPP) referenced in revision C of the Construction Environment and Management Plan will include provisions to monitor the volumes of drilling fluids utilized in the initial pile bore, alongside the volume of cement used to fill the bore; in both cases to identify losses into intercepted solution features (fissures, solution pipes, or other voids, e.g. solution caves). The EPP is also expected to contain procedures for consulting with Portsmouth Water Company on the significance of such losses, and monitoring for any potential adverse effects, e.g. turbidity at abstracted springs. For similar reasons, it is expected that prohibitions on the uncontrolled discharge of accumulated surfacewater &/or wash-water will extend to any deep bored soakaway, inclusive of any temporarily repurposed bore constructed for another purpose.”

Mr. Jonathan Driver
Environmental Control Officer