

Dolphin Quay, Emsworth, APP/16/00921: Discharge of Conditions

Condition 13

I should like to make further comment on Condition 13 on behalf of the Queen Street Group.

Mr Driver, ECO has reviewed additional information provided by the applicant and has commented on these in some detail on 18th March 2019.

However, on closely reading Mr Driver's comments, the uncertainties quoted by him are significant, and I write to seek clarification as to how these intend to be mitigated before the condition is discharged. These comprise:

- Leachate testing: This was only undertaken on WAC samples so site coverage is not comprehensive
- Groundwater samples were not taken: So it is not possible to determine whether liberation under site conditions (as opposed to laboratory conditions) is similar/equivalent, better, or (due to brackish flushing), worse
- No dissolved phase results are available for PAH species: So liberation rates are unquantified under either site or laboratory conditions
- Gas monitoring was not undertaken: So conclusions can only be made by inference

Given how close Dolphin Quay is to the environmentally sensitive Chichester Harbour, further professional advice taken by us has expressed surprise that the lack of leachate determination for heavy metals and organic compounds has not been made a greater issue and likewise the apparent acceptance of a lack of testing of the groundwater and the dissolved phase results for PAH (Poly Aromatic Hydrocarbons) seems very lenient in these circumstances.

In addition it is noted that a sheet pile wall is very difficult to fully seal from leaks over an extended lifetime and Mr Driver has effectively recognised an uncertainty of an unknown level of contaminant in the ground being leached or already in the groundwater flowing in to the harbour over the lifetime of this development.

Given these uncertainties posed in the two paragraphs above we have asked the Environment Agency to comment as to how it would satisfy itself that they pose no risk before issuing a Flood Risk Activity Permit.

Furthermore, professional advice taken by us raises concern at a proposal not to undertake ground gas monitoring despite olfactory evidence of strong pungent odours and the pump action that the tide will give to the release of potentially harmful gasses in to the residential buildings. This could be methane, ground conditions suggest this is likely, and 6 rounds of gas monitoring for a site such as this would not be an uncommon requirement from an ECO. The lack of any requirement and the reference to a conclusion of *no problems by inference* when an explosive gas could be involved is very surprising. Table 6.5 of the *Ground Gas Handbook (2009)* Wilson S, Haines S and Card GB written in partnership with the Chartered Institute of Environmental Health suggests there is an elevated risk for this site and therefore a design needs to be formulated against rationale, monitored information and facts and not inference as suggested here. Third party liabilities to utility companies (build up of gases in below ground valve boxes /manholes), seems to have been ignored.

There is no mention of determination of asbestos fibres within the soils or quantification. Given the existing report on part of this site (Dolphin Quay former Antiques Centre) that talks specifically about asbestos, it appears to be a significant oversight.

The ECO also raises B(a) P Benzo (a) Pyrene at very high levels. These indeed may be coal associated but what is happening to follow this through to close out the risk? Further unease is expressed at only 300mm of inert capping layer in landscaping being recommended. We understand that more commonly when only 300mm of capping is provided on a brownfield site the use of a geotextile marker layer is a basic requirement to prevent third parties at a future point in the life of the development coming in contact with contaminated soils. Surely this should apply here, particularly when lead concentrations appear to be so high?

There is no recommendation for a validation report to be submitted to the ECO to close off the risks and for the developer to confirm the appropriate installation of mitigation measures, even if they are regrettably not a planning condition. Good practice and the expectation of lenders and future owners would be for there to be a publicly available report detailing gas protection measures, removal of contaminated soils off site, a declaration of no unforeseen contamination, installation of water supply pipes of the Protectaline type and so on. Clearly it will be in the interests of the developer to do this in the short and medium term, otherwise lenders may be reluctant to support purchases on this site.

We look forward to an early response on the specific issues raised here before this Condition is discharged.



On behalf of the Queen Street Group

1st April 2019