

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/15/01282	Your Ref:	APP/15/00919
EH Case Officer Extn:	44 6677	Date:	11 December 2015
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/15/00919		
Site Address:	Land north of, Station Road, Hayling Island		
Proposed Development:	Mixed-use development comprising 76 No dwellings (including 30% affordable housing); 4No 1bed, 22No 2 bed, 31No 3bed; and 19No 4 bed dwellings; and 1000sqm of light-industrial accommodation (use Class B1) with associated parking, access, landscaping and surface water drainage.		

Observations / Comments:

Comments provided here are intended to summarise & formalise previous comments made by email - there will be some repetition of comments previously made. As discussed on Thursday last week, conditions are proposed for the assessment of risks from Ground Contamination, and in respect of SUDS system design & pollution risks. Rationale / wording is presented in the sections below.

SUDS / Drainage

I note that an oil interceptor is proposed for the car park / yard for the B1 light industrial area – however documentation submitted with the application does not provide specifications (type / model / capacity) or outline either requirements or provisions for inspection & maintenance.

Notwithstanding the ecological concerns raised by others with respect to the proposed form & confinement of the swales, ditches & pond (which whilst appearing to be legitimate, are separate issues); the principle of discharge of attenuated surface waters via the proposed swale / pond to the existing ditch system is agreed to be appropriate. Discharge to surface waters is preferable to discharges via soakaway, as surface waters provide viability / surveillance so that pollutants entering the system might be identified, as well as providing accessibility to facilitate removal or treatment of pollutants prior to downstream release.

No interceptor is proposed for adoptable highway surface water discharges to the swale. Transmission of surface water runoff to the swale does represent a pathway for chronic inputs of automotive fluids (or acute pollution, following RTC or deliberate inappropriate disposal to surface water drainage system).

The balancing pond will act as a buffer to a degree, but the site is an adopted SINC, and is close to (and ultimately drains to) European designated sites. Direct pollution pathways should be mitigated as far as practicable; CIRIA C735 (SUDS Manual) provides a methodology for assessing whether attenuation features provide adequate retention & treatment to address the likely degree of risk from the trained area.

The SUDS manual has recently been comprehensively revised, and it would appear that the risk from residential highway drainage has been 'upgraded', and as a result, it is not clear whether the proposed system includes sufficient steps within its treatment train to satisfy the latest industry standards. As discussed, it is possible that the Swale & Pond do provide sufficient attenuation, retention time, and treatment prior to discharge, however this has not been demonstrated.

It is thought that there remain outstanding details with respect to drainage runoff volumes, release rates, and capacity calculations (alongside the ecological concerns mentioned above) - these are issues that I expect other consultees to pick up, but to my knowledge concerns raised (or information requested) has not been addressed by the applicant to date.

Whilst in an ideal world, these details would be established prior to issuing a decision, but I am aware that there remains little time within which for the applicant to respond to such concerns. In the interests of expediency, the following condition is proposed for the purpose of;

- establishing that the proposed strategy provides adequate attenuation, retention & treatment of likely pollutants from the drained areas (commercial area, and residential area), and secure amendments if the submitted strategy does not comply with the latest standards.
- establishing the technical details for proprietary retention structures proposed (e.g. commercial area yard drainage interceptor), alongside the associated maintenance requirements, and details of how these are to be met.
- providing opportunity for other concerns (e.g. ecological, flooding) to be accounted for within the drainage strategy as necessary / appropriate

Condition 1 [Approval of SUDS Details – Pollution]

Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Proposals shall be in accordance with the principles of CIRIA C753 section 26.7 (SUDS Manual, 2015; Managing pollution risks), and where appropriate shall include a schedule of operational and preventative maintenance for surface water drainage structures, pumps or separators required either for the proper operation of the system to its design flow rates or for the effective retention of pollutants to prevent downstream release. Parties responsible for observing the maintenance schedule shall be clearly identified. All details submitted in accordance with this condition shall be implemented as approved.

Reason: *The proposed surface water drainage system discharges highway runoff to a field drain which is located within an adopted SINC and is linked to ecologically sensitive & protected transition waters (Langstone Harbour, designated SSSI / SAC / SPA / RAMSAR). Appropriate system design is required to prevent surface water drainage functioning as a pathway for pollutants to enter the harbour waters. This condition is imposed having due regard to policy DM10 (Havant Borough Local Plan (Core Strategy) 2011) and the National Planning Policy Framework 2012.*

Ground Contamination

The ground investigation report is largely favourable – few elevated determinants have been identified, and no elevated values are of concern. The trial hole location strategy was appropriate, targeting possible off-site contamination that represents the only tangible sources (in line with the desk based information), and providing a stratified / regular coverage over the low risk areas of the site.

Desk Study

The walkover identified exposed founds within the vicinity of the site access, adjacent to Station Road – interpreted as a development started, but not completed (which may be the case – I'm not certain about the planning history for that site). No structures have previously been mapped at that location, however 1946 aerial photography shows a fairly substantial structure at this location (approx. 10m x 10m, ca. 1.5 / 2 storey's, standing within a large plot of 30 x 40m approx.). Given the industrial / commercial landuse history of land on the north side of station road (station, warehousing & sidings to the West, and gas, coal, building materials & automotive uses to the East), and the relatively temporary nature of the structure (i.e. not present on mapping from 1938 or 1969); residential use cannot necessarily be assumed. This location is expected to pose the greatest likelihood of localised contamination being present.

Site Investigation

With respect to the environmental sampling undertaken, I note the absence of soil gas monitoring information from the report (which I gather should be available).

There is also some uncertainty with respect to BH8 (West boundary, adjacent to the former railway sidings & modern industrial uses) - this location is relatively well placed & at a suitable depth as to intercept migrating contamination from those external sources, and the hole is marked on the site plan as being completed as a monitoring well; however

- The trial hole log doesn't include well construction details, and
- The lab sample matrix description does not match the trial hole log

It is considered that the site conceptual model would lead us to conclude that contamination that might be present on land adjacent to the Western boundary of the site might not be likely to migrate to the site (may not be up-gradient, or may be intercepted by drainage features), however, if a well is available at BH8, a groundwater sample would be useful to improve confidence in the results presented.

It is not clear whether a groundwater sample or gas monitoring is / should be available, or if not, why these were not undertaken (i.e. whether the plan is in error, or whether site conditions prevented well completion or sample collection). This should be established.

As previously indicated, the submitted report is strongly indicative that potential off-site contamination sources identified are not affecting the development site to a materially significant degree.

However, data are omitted that could identify conditions indicative of a contamination source that has not been intercepted by the trial holes installed, or the depth of samples selected for analysis. This information would be useful to build the evidence base from which conclusions are drawn.

I had previously indicated that I was inclined to request a condition only to formalise the proposed watching brief for unexpected contamination (and contamination within un-investigated areas of the site where there is residual uncertainty over the history e.g. at the site access), but also that a condition may be appropriate if the omitted monitoring data / clarifications etc. cannot be provided within the decision period. I gather that these issues were discussed with the applicant at a planning meeting on 7th October, however no further details have been received to date.

It is acknowledged that the submitted reports are a) appropriate & b) favourable insofar as the data presented, and it is expected that the submission of omitted data & or monitoring data subsequently collected will be a formality. It is however appropriate in the absence of that information to retain a mechanism for securing any additional investigation, remediation or risk mitigation measures that may be considered necessary following a review of those data.

Ideally, these issues would have been clarified within the decision period, and this is likely to have avoided the need for a condition. However, as above, I am aware that there remains little time within which for the applicant to respond to such concerns. In the interests of expediency, therefore, the following condition is proposed;

Condition 2 [Contamination (Standard)]

Prior to the commencement of any specific phase of 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 and notwithstanding any assessment provided with the planning application), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1. Site investigation based on the Wilson Bailey Letter Report Ref: J15109/DB/c01a, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.*
- 2. The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*
- 3. 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, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (&/or activities) on land coincident with & adjacent to the site, that could pose a risk to future site residents.

Condition 3 [Verification (Standard)]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [X]** 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, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers.

Informative [Unexpected Contamination]

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. Notwithstanding any site investigation or assessment report submitted with the planning application hereby approved, or submitted in accordance with any condition of this decision notice; contamination may be present at the site within un-investigated areas of the site associated with sources that were either unanticipated, not previously identified, or anticipated but not located. Such contamination may be identified during the course of development. In the event that any discoloured soils or groundwater, oily sheens, foul or solvent odours, or deposits / inclusions comprising obvious waste materials be encountered during groundwork, or if groundwork staff report acute symptoms (skin, eye or respiratory); works in that area of the site should cease until an appropriate assessment of the nature and extent of the suspected contamination has been undertaken. The local planning authority should be notified of the nature of the contamination, and how that contamination is to be dealt with"

To be clear, it is not intended that the applicant be required to commission further intrusive investigation / reports; the conditions above are intended to require that the omitted details from the submitted report are provided, anomalies clarified, and monitoring data collected subsequently to the letter report issue date are provided for completeness.

It was not considered appropriate to specifically condition the missing information as it remains necessary to retain the risk assessment / remediation / verification provisions in the event that

those data are not as favourable as would be expected. This should be made clear to the applicant, in order to avoid any unnecessary delay or expenditure.

Foundations / Radon

Radon risk is marginally elevated within this area (class 2, 1-3% existing homes above action level). However, new-build properties in this area do not require specific radon protection – this is in large part due to assumptions made in respect of modern construction methods & standards.

If a construction method is selected that is not inherently 'minimal risk' with respect to ingress of soil gas – it may be prudent for the applicant to consider installation of basic protection.

There is some discussion within the Wilson Bailey Report with respect to foundation options, indicating that vibro-stone column ground improvement may be favoured. The applicant should consider measures to mitigate radon ingress to internal spaces, as stone columns can create preferential pathways between soils & habitable spaces (dependent upon superstructure design detail).

Other foundation options would be technically feasible at this site. If driven piles are ultimately selected as the preferred foundation solution, consideration should be given the timing as percussive operations should be limited (or other noise limiting techniques / equipment considered) during periods where Brent Geese are over-wintering, as this activity could lead to significant disturbance.

Transport & Air Quality

I've no adverse comments on Air Quality – existing traffic levels associated with (& existing background pollution at-) Station Road are insufficient for the new development traffic to be likely to have a significant impact, and there are no local air quality exposure concerns that would be relevant for future occupants of the development.



Mr. Jonathan Driver
Environmental Control Officer