HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	**Environmental Health**	**To:**	**Development Control**
Our Ref:	PR202512-107131	**Your Ref:**	APP/25/00964
EH Case Officer Extn:	44 6677	**Date:**	17/02/2026

DC Case Officer: Selina Donophy
DC Case Officer Extn: 44 6698
Application Number: APP/19/00542 (schm.); APP/25/00964 (disch.)
Site Address: Land Rear of 70-76 West Street, Havant, PO9 1LN
Proposed Development: Outline Application for backland development of 4 No. One bedroom cottages. Request to Discharge Conditions 6, 7, 8, 11, 22(A), 22(B) of Outline Planning application APP/19/00542 (Received 21/11/2025). **[c.8 – Contamination]**

Observations / Comments:

Condition 8 – Contamination

I note that the scope of the submitted Impact Geotechnical Phase 2 Site Investigation Report (as reported at 1.2.1) is to *'assist meeting the requirements [of] APP/19/00542 Condition 8.2)'* only.

This is consistent with the recommendation of Portsmouth Water in it's consultation response; namely to *'…recommend the discharge of Parts 1 & 2 of Condition 8, but Parts 3 & 4 remain until further information is provided'*.

Accordingly, the submission in its current form must necessarily be regarded to be insufficient to meet the requirements of the condition, or for the Council to agree that there is sufficient certainty on the approach to remedial and risk mitigation works as to discharge the 'prior to commencement' clause pending submissions pursuant to parts 3) & 4); and my recommendation would broadly echo that of Portsmouth Water.

However, it might be helpful to provide some guidance on resolving the approach to parts 3) & 4), in the context of the recent submission.

Controlled Waters Receptors

Broadly speaking, I would agree that the contaminants of concern are generally insoluble under natural conditions, and unlikely to impact groundwater, or the adjacent watercourse (which is has statutory main river, and is not an ordinary watercourse, as implied in the report). This conclusion applies to Lead, and the polyaromatic compounds which exceed their respective human health benchmarks (GAC).

The only contaminant of potential concern for the watercourse is Cyanide – which is a highly soluble compound present at elevated concentrations within 3 of the 5 sampled locations. The cross-section of the watercourse is small, but equally so is the site. This contaminant is not universally found within the ashy/sandy made soil that is expected to represent the primary source

of contaminants, and is similarly not associated with either the gravelly made soil, nor the head deposits (one sample of each, only).

As leachate testing focussed solely upon Lead, it remains unclear whether the made soil (found in all trail holes to 1.2m depth) is capable of materially impacting groundwater-, and by extension, surfacewater- quality.

It is possible that the implicitly proposed 'amenity areas hard cover' will limit infiltration and so serve to mitigate liberation rates for cyanide, and could perhaps deliver some precautionary/in-principal betterment for the watercourse. Similarly, it is possible that under natural conditions, there is insufficient cyanide present in the soils to impact the watercourse, such that precautionary betterment is not justified. N.B. a strict average soil concentration from samples is >700 times / >100 times the environmental quality standards for the watercourse (annual average/maximum allowable, by mass) – a result of a stringent target, rather than dramatically elevated concentrations.

Given possible problems with the amenity value of the hard-surfaced garden areas, and ensuring their efficacy as a human health mitigation for the anticipated life of the development; I would recommend that a representative sample be drawn from the monitoring wells to be tested for cyanide, to confirm the risk under extant conditions. My expectation is that this will probably confirm the absence of need for specific remediation/mitigation.

Human Health

I agree the conclusions of the report that without mitigation, the ashy made soils represent an unacceptable risk to future occupants.

Concentrations of Lead commonly exceed Commercial land quality benchmarks, and some PAH congeners exceed residential 'open space' benchmarks that are less stringent than those which would apply to private gardens. I also note that total Mercury is also elevated, albeit that this is not necessarily likely to be present in elemental form (soil concentrations for total Hg exceed elemental GAC, but not inorganic- or methyl- GAC), and that two forms of asbestos fibres have been identified (albeit in one sample only).

The origin of the material is unknown, and it is present to a substantial and arguably surprising depth. I would agree that it is not necessarily practical or desirable to remove the material, and I would agree that a cover system is an appropriate strategy for mitigating the primary risk to future occupants.

That cover strategy need not necessarily be a hard-paved solution however. If such a solution is the preferred option for the applicant, and is acceptable in planning terms, then it could be acceptable for the purposes of condition 8 provided;

- That the installation accounts for the entirety of the practical amenity space, is reasonably likely to be durable for the design-life of the residential buildings, and is designed so as to discourage future occupants from restoring it to a traditional soft-landscaped garden – e.g. by providing sufficient opportunity in the landscaping design for amenity planting.
- That the cover construction will either resist removal/alteration by virtue of it's construction, or that 'deter to dig' provisions are augmented by a text-based caution which describes the purpose of the cover system (so that removal and exposure of soils will be an informed choice of the future occupant). Generally, a 'high visibility marker layer' is considered to have poor utility for this purpose if the occupant is unaware why the barrier is present.

I would consider that a hard paved or artificial grass design is at risk of wholesale removal at a future occupant's discretion to suit personal preference or fashion. For this reason, such solutions are not generally preferred.

Cover systems designed to be completed as soft landscaping are at lower risk of wholesale removal as they represent a greater amenity value, and have greater flexibility; text-based cautions may be omitted from a soft-cover system given that breaches are likely to be localised and limited (e.g. for a specimen shrub or small tree).

In respect of the potable supply; given that the PAH congeners present are generally of low solubility, the risk of the supply pipe acting as a pathway for the exposure of occupants is low. I am not concerned about the lead concentration in soils as a risk to potable supply.

Based upon the available results, I would not necessarily unilaterally seek to require the specification of a barrier pipe for the potable supply as a risk mitigation measure, but I would perhaps recommend that Portsmouth Water be consulted on it's opinion as to whether the determinands present would justify it. I would expect that there would not be a requirement to upgrade the supply pipe specification, but I do not currently hold a full copy of the latest WRAS guidance on barrier pipe selection. It is possible that Ali/Aro hydrocarbons in the EC10-EC16 range could justify it.

Requirements for discharge of c.8 parts 3) & 4)

A submission sufficient to fully discharge c.8 should not necessarily be overly onerous – I would recommend the water sample to provide surety on the cyanide risk to the local watercourse. This will avoid any need to design-in precautionary mitigation of this (currently) theoretical risk, e.g. through providing an impermeable amenity space.

Other than that (and assuming a favourable result) - I think sufficient investigation has been done to inform a generic human risk assessment, and (assuming a low level of concern from the Portsmouth Water as regards the potable supply-) all that is needed in respect of part 3) is a formal proposal for the cover system & slab construction/design that can be approved

A verification plan will necessarily follow the cover system & slab design, and (given that we expect contaminants to be present beneath the system-) need only address;

- Means to confirm and evidence construction of the cover system in accordance with the approved design, including its total extent, the achievement of its target depths/thicknesses, the specification and presence & of membranes, dig deterrence and cautions.
- Delivery of soft landscaping provisions (e.g. raised beds/tree pits)
- The volume of made soil excavated and removed from site, its management and final destination
- The volume of imported clean soil brought to site for placement on the 'clean side' of the cover system, and assurance as to its quality (e.g. supplier details, for small quantities of BS3882 soils, sampling only required for direct site-site transfer, or larger quantities/greater depths for a soft cover system)
- The basic radon protection measures to be incorporated into the slab construction, including the service penetration detailing to prevent preferential ingress.

Recommendation

Given that the scope of the submission was insufficient to discharge the prior to commencement clause of c.8; there is no practical advantage in recommending a part discharge of c.8 (part 2; part 1 having been previously discharged, in my understanding).

It is arguable that the recommendation to test a groundwater sample from the extant wells (WS3,

WS4) for cyanide, to determine risk to the watercourse from this soluble contaminant, would constitute an investigation step which contributes to the appropriate risk assessment required under part 2), and that this risk being unresolved could justify an objection to the discharge of this part.

Further submission are required in order to permit commencement, so it is probably practical to refuse this application pending a more submission of the scope required to address all parts of c.8, and I would probably recommend that this be the approach taken by Development Management.

Mr. Jonathan Driver
Environmental Control Officer