HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	**Environmental Health**	**To:**	**Development Control**
Our Ref:	PR202603-109319	**Your Ref:**	APP/26/00144
EH Case Officer Extn:	44 6677	**Date:**	13 April 2026

DC Case Officer: Tina Pickup
DC Case Officer Extn: 44 6461
Application Number: APP/26/00144
Site Address: 58 - 58A Station Road, Hayling Island, PO11 0EL
Proposed Development: Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses

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Observations / Comments:

Notwithstanding that the building works are to consist of minor structural amendments only, that the original use of the property was as a dwellinghouse, and that the applicant is not aware of any prior potentially contaminating landuse – the current consented use of the property is within Class E, and contamination risk (as a material planning concern governed by applicable local and national policy – e.g. DM10, DM17, NPPF'24 para's 196 & 197, etc.).

Contamination;

The property in question is within the development red-line of a previous planning consent which included conditions requiring both the intrusive investigation of soils, and proportionate mitigation of risk. The risk-tolerance to which that assessment was undertaken was appropriate to a commercial scheme, which is less stringent that that which would apply to a residential scheme.

The reason for imposing the contamination-related conditions under APP/14/01228 was that land in the immediate vicinity (within the 14/01228 red-line) was used for town gas production, as a service & repair garage, coal yard & builders' yard.

Trial hole position WS3 was located close to the boundary of the proposed private amenity space to number 58 Station Road. It's log identified made soils to a depth of 0.9m below existing ground level, containing ash & clinker alongside other anthropogenic inclusions. Soil samples from this location identified elevated concentrations of cyanide (a gasworks contaminant), sulphate, Lead, petroleum-range and poly-aromatic hydrocarbons.

Groundwater at WS3 is shallow/perched, present within made ground and confined by the underlying natural stiff clays. This places contaminants that might be present within groundwater within the depth profile which is considered to be relevant to (accessible to-) human receptors, via various transport routes. More broadly, there was evidence of migration from the gas works use in the general direction of number 58 (loosely speaking), and with cyanide being significantly elevated in water alongside elevated hydrocarbon contaminants. No vapour monitoring was undertaken (because the units constructed under that consent included vapour

protection), but odours were noted, and local ground gas monitoring identified depleted O2, elevated CO2, and CH4 (methane) at up to 2.5% v/v. The latter typically triggers a need to consider gas protection.

As gasworks go, this was not a particularly seriously contaminated site – there was for example no evidence uncovered of an-in-ground tar sump. There was however evidence of nearby holders being backfilled with general wastes, including putrescibles which might help explain the soil gas results.

Were this a new-build, I would require a specific intrusive investigation to confirm that the risk posed by these factors to future occupants of the property is acceptable. This would include confirming that the garden soils are suitable (don't pose a risk to infants, or via home grown produce), and that the noted hydrocarbon odours & flammable gasses did not pose an unacceptable risk to occupants indoors, or to the property via combustion. Similarly, I would require confirmation that soil contaminants in made soils do not pose a risk to potable water supplies (by penetration of the conduit).

As a permitted development which is subject to paragraph W, HBC must determine whether the land would be (determinable) contaminated land following the change of use - it is not possible to do this at present given the available information, and a lack of any proposed mitigation. Based upon available information however, I would conclude that it *could* potentially be so determined, bearing in mind that the averaging area is small, and a source is likely to be present across that area (e.g. garden area, made soil – or property footprint & soil gas/hydrocarbon odour).

Recommendations/Procedural

Given this, I think that it is unavoidable either;

i) to require sufficient site investigation prior to determination of the application as to allow a judgement to be reached against paragraph W 10 (c), or
ii) to impose conditions which require the assessment and mitigation of contamination risks prior to occupation of the completed development

In terms of procedure – for a new build it would typically be routine to address these risks by condition. Use of conditions is however more problematic for small developments where the cost of investigation/remediation might be disproportionate to the value of the development, risking the imposition of conditions which materially harms deliverability (on viability grounds), and therefore risks being deemed to be an irrational decision.

These risks are exacerbated- and not diminished- by the development being a conversion/change of use, in particular due to the difficulty (and also cost-) of effectively retrofitting gas or vapour protection into an existing building.

Where a planning decision risks being irrational, the recommendation would ordinarily be to recommend that sufficient site assessment is undertaken prior to determination such that need for- & scope of- any required mitigation can be fully understood (and rationality considered). Whether a similar option is available under a permitted development is a question that I would defer to development management. I am however flagging the risk that conditional approval in this case could prove to be an irrational decision.

If however development management is minded to grant conditional approval, I would recommend the following conditions;

Contamination (Bespoke/Adapted– omitting EDS, based upon prior assessment) [1]

Prior to the commencement of any specific phase of development approved by this planning

permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) *An intrusive site investigation to address the residual risks to a residential receptor at the development land, as reported in APP/14/01228 [Dig-Geotech Ltd reports numbered 517 R01-R06 & 517 Technical Note]; 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 identified receptors.*

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 any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

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

***Reason:** To ensure that the development is not put at unacceptable risk from- or adversely affected by- elevated concentrations of contaminants that are known to exist in the near vicinity of the development, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 196-197 of the National Planning Policy Framework 2024."*

Verification (Abridged) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** 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.

***Reason:** To ensure that the development is not put at unacceptable risk from- or adversely affected by- elevated concentrations of contaminants that are known to exist in the near vicinity of the development, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 196-197 of the National Planning Policy Framework 2024."*

Informative [1] – Guide to scope of required Site Investigation

*"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered **[1] & [2]** have been imposed in response to contamination risks which exist at the site in connection with the previous use of neighbouring land, with which the former residential property subject of this consent may or*

may not have been associated. Given the results from nearby trail holes a range of risks are considered likely to exist at the property, as may be inferred from the reports referenced within the condition. The documents referenced were submitted with a planning application and as such should be within the public domain and available for review. It is not necessary to repeat the desk study exercise. The residual risks are considered to comprise –

i) chemical contaminants associated with made soil within private garden areas

ii) soil gas associated with nearby informal landfill, to property or via indoor inhalation

iii) vapours associated with gas works or automotive-related landuse, via indoor inhalation

iv) risks to modern potable supply conduits posed by volatile hydrocarbons.

It is anticipated that the scope of physical/intrusive investigation should include (numbers correspond to list above);

i) soils sampling within a depth profile of 0.1-1.0m depth for a general CLEA metals suite, speciated PAH(16), TPH-CWG. Where encountered (on investigation, or during monitoring), a groundwater sample scheduled for determination of CN, metals, PAH, and VOC

ii) Gas monitoring from a well installed within a response zone of at least 0.3-1.0m, to include O2, CO2, CH4 at a minimum, and where encountered, a groundwater sample to include determination of dissolved gasses.

iii) PID screening of all trail holes where this is possible (e.g. from cores, or from headspace in disturbed samples); and ideally vapour canister determination of a 'true' air sample (VOC suite), alongside comparison to suitable assessment criteria derived with regard to CIRIA C682 (guidance).

iv) Confirmation of the existing supply material (customer-side, at meter & at property, where possible) and if of plastic construction, consideration of results derived at i-iii) against UKWIR Guidance (Report Ref: 10/WM/03/21)

Havant Borough Council does not consider that direct investigation of contamination that might exist within the footprint of the former- & proposed- dwelling is necessary; investigation may be limited to external amenity land (and the impact within the property footprint inferred). It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown- source of contamination which is likely to be mobile and which originates on the development land."

Mr. Jonathan Driver
Environmental Control Officer