

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	PR202607-113254	Your Ref:	APP/26/00391
EH Case Officer Extn:	44 6677	Date:	03/08/2026
DC Case Officer:	Lesley Wells		
Application Number:	APP/26/00391		
Site Address:	Hayling Yacht Company, Mill Rythe Lane, Hayling Island, PO11 0QQ		
Proposed Development:	Installation of 3No covered and partially enclosed padel courts with associated lighting, noise and ecology mitigation measures		

Observations / Comments:

This application relates to land adjacent to the planning red-line area to the related APP/26/00367 application for an MOT test centre. Comments made in respect of that application in respect of contamination and pollution are relevant to these proposals – principally in the contextual differences between the two. It is also noted that the Design & Access statement makes reference to APP/13/00981 (consent for use as open storage), and it is acknowledged that this office did not make any adverse comments at that time – it will also be helpful to describe how these proposals differ from the context of the 2013 consent. I will append sections of the response to 26/00367 here for reference, but will keep the preceding material comments & recommendations relatively brief – please refer to appended text for detail/context.

It is noted that the 2013 consent was for open storage, and did not involve any material development of the site – merely a change of use. Consequently, it was considered at the time that there was no material change in risk profile of the site, and no consequential opportunity to investigate land was associated with the development. The change of use proposal did not restrict future accessibility to land, and proactive investigation was on balance considered disproportionate under those proposals. The comment was not an expression of opinion that contamination was not likely to be a material planning consideration for the site under all planning scenarios.

As regards the concurrent 2026 application; the current proposals are for comprehensive redevelopment of portion of the former beakers-yard site – involving a permanent- (albeit lightweight) structure that is several times the size of that associated with the MOT test centre proposal (~750sq.m cf. ~150sq.m for the other proposal). Further, the planning redline is some 60m closer to the controlled water (harbour), and is down-assumed-hydraulic-gradient of the structure associated with the other proposal – i.e. on the migration path, and including land up to the boundary of the former breakers-yard use.

I also note that in common with the concurrent application, the proposals are not supported by a clear drainage plan. The Design & Access Statement makes reference to 'existing underground attenuation crates' and discharge to 'existing infrastructure'. It is not clear from this statement whether the system involves a degree of infiltration of rainwater, or whether the destination is the

harbour, a public sewer, or something else. The drainage arrangement (notably, to be retained) will be relevant to the contamination conceptual site model. It would be helpful to understand how the drainage proposals for both developments are designed to integrate with extant provision.

Conclusions/Recommendations

It is considered that the development is of sufficient scale-, and to be of sufficient permanence- as to make it both reasonable and proportionate to require proactive investigation. The results will also be informative of risks associated with the other proposal.

No objections to the principal of development, subject to the following conditions:

Contamination (Standard) [1]

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), 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) *A site walk-over survey &/or sufficient desk-based research to identify;*
 - *All relevant previous uses of the site,*
 - *Potentially significant features and contaminants associated with those uses*
 - *Uncertainties relating to previous use or associated potential contaminants*
 - *A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;*
 - *A summary of potentially unacceptable risks arising from contamination at the site.*
- 2) *Site investigation based on (1), 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.*
- 3) *The results of an appropriate risk assessment based upon (1) & (2), 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.*
- 4) *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: *Contamination may be present at the site as a result of previous commercial activity at the site & on adjacent land that could pose a risk either to controlled waters, or to future occupants. This is in line with 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 '24*

Verification (Standard) [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. 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: Contamination may be present at the site as a result of previous commercial activity at the site & on adjacent land that could pose a risk either to controlled waters, or to future occupants. This is in line with 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 '24

Approval of SUDS Details [3]

‘Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be otherwise agreed in writing with the Local Planning Authority), details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.

Proposals shall account for the contamination assessment ‘site conceptual model’ & remedial / risk mitigation scheme when designing to the principles of CIRIA C753 section 26.7 (SUDS Manual, 2015; Managing pollution risks). Where appropriate, proposals shall include a schedule of operational and preventative maintenance for surface water drainage structures, flow control devices, 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: Appropriate system design is required to prevent surface water drainage functioning as a pathway for pollutants to enter the waters of the ecologically sensitive & protected Chichester Harbour (designated SSSI / SAC / SPA / RAMSAR). This condition is imposed having due regard to policy DM10 (Havant Borough Local Plan (Core Strategy) 2011) and para. 187 of the National Planning Policy Framework 2024.

Comments from APP/26/00367 (italics)

I note that the Design & Access statement (D&AS) makes an assessment of the contamination risks associated with the site, drawing upon investigations, assessments, and prior consultation comments relating to adjacent/related applications for development.

It is not made clear where the D&AS is quoting text from another document, or where the author is expressing an opinion. Some quotes or abridged/precis comments are certainly included, as I recognise elements from my own prior consultation comments. Where quoting, it is not made clear from which source the quote is drawn, and it appears likely that comments have been combined by an author that it is not a subject specialist.

Needless to say that I don't fully support the statements made, but I don't disagree with the central point that the author is trying to convey.

Site History

The development land was greenfield until at least 1969 (based upon historic mapping). A 1955 consent for residential development was refused, and there are no further applications in the archive until 1993, granting outline consent for a workshop and open storage compound for vehicle and plant dismantling and recycling (the Howard's site)

Details were not approved until 1998, and the landuse is anticipated to have commenced around this time.

There are several applications relating to potentially contaminating landuses on adjacent and related land, and the wider complex (boat storage, construction, servicing & repair, motor salvage, MOT testing, photographic processing, and Engineering) is considered to be generally potentially contaminating.

Whilst the D&AS refers to the previous investigation, stripping and decontamination of the land, and it's subsequent 'encapsulation' beneath permanent concrete hard stand; it is not clear which land this description might apply to. The only proactive investigation I have on file is under application 09/53376/016, relates to land within the current planning blue line, , and the Council did not receive any further remediation method statements, or verification report subsequent to that – the site remains on our system as 'not signed off'.

Qualitative site assessment

As it stands, I would anticipate the soil at the site to be affected to some degree by contaminants.

The broad hydraulic model to which the D&AS alludes is expected to broadly apply in respect of the ecologically sensitive harbour waters, namely, that absent the presence of gross contamination at the site (e.g. from leaking waste-oil tanks, etc.), migration of contaminants over a distance of around 100m (to the receptor) is not considered to be particularly likely. There should be sufficient attenuation along this distance for organic substances and metals dependent on pH for mobility to prevent significant concentrations originating from the development red-line area reaching the harbour waters.

In making this assessment, I am mindful of the specific use of the land corresponding to the planning red line, being used for open storage and notably not coinciding with storage tanks for waste oils, fuels, or bunded storage areas for waste batteries. I also note that there is anecdotal evidence of the extant drainage to site hardstanding passing through a relatively modern oil interceptor prior to onward transmission – this should limit the degree to which stored materials will have impacted soil quality. Similarly, the relatively recent development history means would lead

me to expect a relatively limited depth of made ground – fewer concerns about soil quality associated with the physical development activity, and a higher proportionate organic carbon content being available in shallow soils to support attenuation.

Coupled with the presence of potentially contaminating landuse along the whole inferred pollutant linkage, and the relatively small footprint of the building relative to the wider potentially contaminating estate, I would tend to agree that it is not proportionate to require the proactive investigation and remediation of this modest region of the wider estate.

With respect to the risk to the harbour, I note that the principle potential sources/origins of gross contamination are not within the redline, and that the scale of development (and retention of a relatively open site) does not preclude addressing contamination down-gradient of the built element of the scheme, should that prove necessary (e.g. by intercepting and treating groundwater, or using in-situ remediation techniques).

Contamination could also impact future employees, and commercial contamination standards exist which aim to be protective of regular adult occupiers of the site. I do note the form & purpose of the building however, and would tend to regard the proposed use as not materially altering the exposure risk profile of the land for employees. Indeed, the proposed use is in-itself potentially contaminating, and may lead to workplace exposures substantially similar to those that might be derived from soil sources (but likely exceeding the contribution from soils by a significant margin). In this sense, the development is considered to be low risk from a human exposure perspective, albeit that some risks exist.

Risks to the building are expected to be low, on the basis of the inferred lack of deep made soil.

Risks via the potable supply may need to be managed, due to the likely presence of contaminants in soils that are capable of compromising modern (plastic) supply pipe materials – barrier pipe or metallic pipe would be recommended.

Pollution

I note that the D&AS is fairly light on detail, seemingly justified if it was written with limited scope, as implied by its reference to 'outline approval'. However, I note that the actual application is for detailed consent.

The application is not supported by a detailed drainage plan, but the D&AS provides narrative/outline design principles in this regard, alongside references to a 'drainage impact assessment', and consent conditions that would be acceptable to the applicant.

I note that the destination of the extant drainage is unclear from available sewer records, and I have not identified the location of the interceptor unit to which the Environment Agency anecdotally refers.

The D&AS proposes the installation of a proprietary interceptor unit – this may or may not be necessary, depending upon the extant network, development connection point, the position of the (presumed) existing interceptor on the network, and it's capacity (relative to it's catchment area).

I think that it could be helpful to apply a condition requiring these details to established & approved, in order to ensure that the drainage network cannot act as a conduit to transport contaminants directly to the sensitive harbour waters.

Mr. Jonathan Driver
Environmental Control Officer