

ADDENDUM REPORT PLANNING COMMITTEE 7th JULY 2010

Item: 6.6
Site: Land Rear of Queen Annes Quay, off Parsonage Way, Plymouth.
Ref: 10/0499/FUL
Applicant: Harbour Avenue Ltd.
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1. Section 106 Issues

Further to the information in the main report under Section 106 Obligations, the full breakdown of the tariff payment is as follows:

Children Services	£19,610.00
Health	£3,897.50
Libraries	£2,007.00
Green Space	£22,879.50
Recreation and Sport	£18,393.00
Public Realm	£971.50
Transport	£47,376.50
Management Fee	£5,362.00
Total	£120,497.00

2. Public Protection Comments

- a) The following comments were provided by the Public Protection Service with regards to the Contaminated Land report submitted with the application (in italics below):

Objection: Public Protection Service recommends refusal of the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

- 1. We consider the level of risk posed by this proposal to be unacceptable.*
- 2. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment including an adequate desk study, conceptual model and initial assessment of risk has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.*
- 3. Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.*

Reason for objection: There is potential for contamination to be present at the site. The risk is considered unacceptable because there is currently insufficient evidence to indicate otherwise. The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites.

Technical Comments

Having reviewed the Preliminary Site Investigation Report, Site Investigation Factual Report and Soil Analysis and Site Specific Risk Assessment that has been submitted with the application, I have the following comments to make.

The above reports are a number of years old and have not been carried out inline with current guidance. They do not contain a conceptual site model and a number of potential onsite and offsite sources of contamination have been omitted from the Preliminary Site Investigation Report. These reports must be considered inline with current guidance and full search for potential sources of contamination must be carried out in order to satisfy the Public Protection Service that risks from contamination has been fully understood for the site.

- b)** Following the above comments the applicants submitted an up to date Phase 1 Environmental Desktop Study Report. This was considered by the Councils Public Protection Service and their comments with regards to this are as follows:

Having reviewed the study the PPS is of the opinion that a Phase 2 report is required prior to the determination of this planning application. Whilst the desktop study identifies a considerable number of potential pollutant linkages it fails to provide sufficient evidence that the risk from contamination is acceptable or that remedial options are available in the event that contamination is identified. In light of this the Public Protection Service upholds its objection to the application.

- c)** Due to the above comments, and the fact that the Phase 1 Desktop study identifies a number of sources of contamination with the potential to impact upon human health without providing any assurances that remedial measures can be implemented to make the proposal acceptable or viable, **it is recommended that the application be deferred whilst a Phase 2 Site Investigation and Risk Assessment is submitted and considered by your officers.**