

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/01252	Your Ref:	APP/23/00314
EH Case Officer Extn:	44 6677	Date:	31 July 2023
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/23/00314		
Site Address:	181-183 Havant Road, Hayling Island, PO110LG		
Proposed Development:	Demolition of existing structures and erection of replacement kiosk store including integrated drive thru and associated development.		

Observations / Comments:

I note the scale of public opposition to this development, which would appear disproportionate to the scale of development proposed. I will not respond to anti-social behaviour directly associated with the drive-through occupant, or issues raised in respect of pedestrian safety which I would naturally expect the highway authority to address. My noise/nuisance focussed colleagues have already reviewed this application and have considered noise issues. I note that no material comment has been made in respect of vehicle noise.

I will address the intensification in customer traffic insofar as it might impact local air quality only, albeit that there may be some overlap with issues that the highway authority might raise.

I will also address drainage design, and the contamination report.

Air Quality – Scheme Merits

The general principle of materially adding to the Borough's fast-charging infrastructure is supported on air quality grounds as it actively contributes to the feasibility and convenience of owning an electric vehicle for users who occupy properties where domestic charging facilities would be difficult or impossible to install.

By definition, the customer's accessing these services will not be producing any combustion-related emissions, and support for these vehicles will carry a benefit around the borough (and beyond-) anywhere these vehicles are used.

Air Quality – Development as Source (Transport Demand)

It is worth highlighting a couple of features of how the net transport demand has been estimated.

- The transport demand for the existing petrol filling station (PFS) has been based upon a PFS use only, excluding survey locations which included significant retail offerings (maximum sales-areas not defined)
 - As a result, the method of estimation for existing demand will not effectively

- represent trips driven by the retail offering (rather than fuel), in the case of the application site, especially trips given by the 'food to go' unit.
- This is regarded by the authors as informing a 'robust' assessment, as it will increase the difference between the existing trips and proposed trips (accounting for the retail use), increasing the magnitude of net uplift (see comments below)
 - To estimate trip generation from the Fuel + Retail offering at the *proposed* development (i.e. excluding the Drive-Thru), transport demand for the existing PFS has been based upon survey locations which include material retail-offerings, typically comprising well known supermarkets & convenience stores.
 - Despite section 5.3 referring to selection by GFA, the TRICS surveys included in the Appendix are instead defined by PFS bays.
 - The effect of this selection is unclear as the survey data does not indicate whether the proposed retail area is typical or large in comparison to average offerings (i.e. whether the proposed retail offering is likely to be a more significant attraction for customers relative to the typical 8-bay fuel + retail site).
 - The effect of this might be material given the substantial uplift in the proposed retail area relative to the existing (+300%), and that the EV 'bays' have been ignored in the assessment (due largely to the lack of surveys from comparable sites).
 - Arguably, it would have been more representative to assess the retail area by GFA, or to assess the customer demand as a separate retail use by GFA, and add this to the 8-bay fuel-only demand.
 - Specific Drive-Thru customer survey data has been included at Appendix 3 of the Transport Assessment, drawn from a number of Starbucks outlets.
 - This data is in 'customer interaction' units, and does not necessarily translate directly into PCU (vehicle) trips.
 - The data is not used to derive transport demand, but is used to modify estimates drawn from TRICS surveys (further comment below)
 - Demand estimates for the drive-thru have been drawn from TRICS travel surveys at fast-food drive through restaurants, with retailers known to cause significant demand represented in the data.
 - It is unclear why the specifier has specifically chosen to exclude units with GFA's comparable with the proposed unit – whether intentionally or not, this may have had the effect of excluding café outlets (which typically do not require large sites),
 - This choice may not be appropriate for this development (on the assumption that the Appendix 3 data may be taken to be an indicator of the type of drive-thru offering proposed).
 - Section 5.4 explains that the TRICS generated trip rates have been applied to just half of the proposed Drive-Thru GFA to determine its transport demand, on the basis that Appendix 3 data shows that approximately 50% of customer interactions are via the drive-thru route.
 - The applied discount is designed to exclude any customers eating in, or parking and collecting from the counter on foot.
 - The implicit assumption is that these trips may be discounted as the customer would have come to the site for another purpose (presumably fuel or EV charging) – however, this does not logically follow and may under-represent transport demand.

The comparative assessment (of existing vs. proposed transport demand) presented at 5.4.1 has inconsistencies between its description of peak hour impact as 'vehicles per minute', and the figures shown in table 5.7 (movements per hour). This notwithstanding, I would agree with the comments in this section suggesting that the site has some unique characteristics, and that a significant number of the net uplift in trips will be drawn from the existing traffic on the road network as diverted and pass-by trips.

I would disagree however that it necessarily follows that the development will not result in a

material impact on the surrounding highway network. This would be true if we were concerned about the net uplift in traffic on the Havant Road only in terms of additional trips, but this is not the case. The concern lies in the *impact upon the flows of existing traffic* on the Havant Road caused by an increase in turning movements to access the development site. In this case, the material issues is the net increase in the number of vehicles accessing the site (and the cumulative delays caused as a result-), and not the number of *new* trips to the road network.

No assessment or modelling of the effect of an uplift in turning movements has been attempted.

Impacts are presented in terms of net peak-hour impacts only. Using the TRICS 24hr rates as a rough surrogate for an AADT-basis PCU demand, the following net trip rates are derived;

- +1168 trips, calculated in the same way as the transport assessment (i.e. ignoring the demand driven by the Gregg's food-to-go offering, and discounting the proposed drive-thru by 50%)
- +1429 trips if the LPA doesn't accept the premise for the proposed discount of drive-thru trips (still excluding the Gregg's food-to-go from the baseline).
- Values represent 1-way vehicle trips, i.e. arrivals & departures are counted separately.

With reference to the (now somewhat out of date-) IAQM guidance ('Planning for Air Quality' 2017), these proposals do not meet the Stage 1 Screening Criteria (in that the site does not exceed 1Ha in area, nor does the development propose >1000sq.m GFA, even were we to include the forecourt as 'trading area').

Based upon the above figures, the site does meet the Stage 2 criteria in that it does amount to a net uplift in transport demand of >500 light duty vehicles. Whether the apparent net uplift reflects the reality of the additional volume of traffic that would use Havant Road upon completion of this development is wholly dependent upon the proportion of trips that is already present on the road network (i.e. the proportion of pass-by & diverted trips relative to those that are truly 'new'). This is not clear, and the transport assessment has not attempted to quantify this.

It is also certain that the baseline (existing) traffic which underpins the comparative assessment will under-estimate the demand potential of the existing site (again, making the figures look worse than they are likely to be in reality). I would also highlight that the screening criteria described above are designed to address additional/'new' traffic to the road network, and are not designed to screen the impact of material changes to the network characteristics (e.g. increased length of queues, reduced vehicle speeds, or both)

Considering the above comments in the spatial context of this site, I would conclude that there is insufficient grounds to require that the air quality impact is specifically quantified for this site on grounds of net uplift in transport demand, for the reasons summarised below;

- The site doesn't meet IQM Stage 1 screening criteria, meaning that Stage 2 criteria wouldn't normally be considered.
- The IAQM Stage 2 screening criteria is exceeded, but on the basis of a raw figure which over-states the true vehicle trip uplift on the road link, when considered in terms of 'new trips' (adjusting baseline upwards, and accounting for pass-by & diverted trips)
- The existing air quality on Havant Road, when considered in terms of NO₂ (a worst case indicator, at least until a PM_{2.5} limit is introduced) has more than 25% headroom relative to the statutory Air Quality Limit, when measured at the roadside.
- Residential properties are typically set well back from the carriageway, in the vicinity of the proposed development site, by at least 8m (allowing a discount in assumed emissions due to dispersal from the point of emission),
- Given the points above, and how the 'significance criteria' are defined within the IAQM

guidance, the impact of ~+700 AADT (allowing for 50% loyal-customer, diverted & pass-by trips) is not likely to be significant.

Some adjustment to significance criteria might well be appropriate based upon policy worded in health terms (in light of recent Air Quality Guidelines issued by the WHO), however I don't believe it to be possible or appropriate for the LPA to adopt the non-statutory WHO guidelines as *de facto* overriding standards on this basis while the statutory limits remain in force. Experience dictates that given the context of the site, a standard assessment (in line with IAQM 2017, as written) would result in a negligible impact, and a reasonably re-benchmarked IAQM assessment would likely return a 'slight adverse' result.

I consider this to be insufficient grounds upon which to recommend refusal, and whilst a recommendation for the air quality impact to be quantified might be justifiable on the basis of net demand uplift, reasonable adjustments described above would likely render this a fruitless exercise. This is especially so in a polity environment where emerging local plan policies (e.g. E12, E23) carry no formal weight, and where a principle purpose of this development is actually in support of air quality objectives (encouraging zero-combustion-emission vehicles).

This notwithstanding, I would expect the Highway Authority to query the transport demand figures presented insofar as they are relatively poor in terms of their precision, and in terms of the justification for choices made.

The material matter from a highways perspective will be the impact of an additional 1100-1400 turning movements into/out of the site (on a 24hr basis), and the likely resulting cumulative delays to drivers on the A3023 Havant Road. I do expect the Highway Authority to make material comment in this regard, and to for quantification to be required (including an assessment of impact over peak *hours*, not only during the AM/PM peak *hour*).

Where the Highway Authority raises significant concerns about existing flows (i.e. an impact on the local strategic road network that is disproportionate to the number of vehicles accessing the site development), I would still consider that it is not necessary to quantify the air quality impact.. Addressing the highway impact to within acceptable limits will mean that the air quality impact will be similarly acceptable. I see no reason to add an additional layer of assessment with the aim of addressing the common problem, and I am content for any issues arising to be addressed solely in terms of mitigating the highways impact.

Drainage Strategy (Pollution Potential)

I have reviewed the proposal, and the indicative strategy would appear to appropriately direct water to the full-retention interceptor.

Ground Contamination

It is noted that the development does represent a wholesale redevelopment of the site, inclusive of decommissioning, removal and replacement of the existing tank farm & replacement of both the ventilation & fuel distribution infrastructure.

Whilst the proposed use is not sensitive to contamination, the site is very close to protected aquatic habitats (also controlled waters), so it is appropriate to apply contamination policy to this (re-)development.

The site investigation submitted with this application is a phase 2 intrusive investigation, which included groundwater sampling and one well positioned between the assumed source location and the sensitive receptor.

The report notes that ‘*...there was no palpable evidence of contamination, waste or putrefiable material encountered in any of the sampling locations during the investigation including any visual or olfactory evidence of hydrocarbon staining*’, but also identifies some indications that some contamination is present within soils at the site. Elevated hydrocarbon vapours were found during PID screening, and concentrations of hydrocarbons in groundwater were found in excess of generic screening criteria for drinking water, and in the case of the heavy-fraction hydrocarbons; at concentrations in excess of theoretical solubility limits (which could mean that free product is present, or that migration is occurring with fine soil particles in groundwater).

A deficit in sampling data for soil gas is also acknowledged, and the authors caution that desk-based information suggests that a nearby offsite gas-risk may exist.

Notwithstanding, the overall conclusion of the report is that the available results ‘*do not suggest that an unacceptable risk to controlled waters exists*’, and it is suggested that this is especially the case where the development would deliver betterment (in terms of risk reduction) through the replacement or comprehensive re-lining of the existing fuel infrastructure. I would agree both of these points, in that the pictures soil cores appear clean and the soil results are not particularly concerning, and in that the renewal or renovation of the 1980’s fuel infrastructure would represent betterment at this sensitively-positioned site.

Several risk mitigation measures are defined in loose terms, to include;

- Measures for mitigating gas risk to buildings & occupants, to comprise either precautionary passive gas protection measures to CS2 standard, or a programme of monitoring, and gas protections commensurate with quantified risk, if necessary.
- *Either* verification of removal of fuel infrastructure (to include photographic, administrative and laboratory records), *or* tank condition &/or lining verification report alongside additional groundwater monitoring.
- Observance of a contamination watching brief during all groundworks (with a mechanism for reporting to the local planning authority), and,
- The production of a formal verification report to document the satisfactory completion of the above mitigation measures.

The authors consider that the ‘*...report should satisfy the pre-commencement requirements of the planning process relating to contamination*’, which implies that it is expected that a compliance condition will be imposed to secure the above measures, which it follows that the authors are presenting as a formal remediation method statement and verification plan.

This requires that the LPA accept indefinite proposals for mitigation, and to accept the loss of opportunity to independently assess any results arising and to provide a steer to the scope of works. I have some reservation in accepting this, principally because the mitigation proposed does not cover off the contingency arrangements where monitoring identifies conditions that are much worse than indicated by the fieldworks which support this application.

The fieldwork logs do provide some comfort (no indications of gross contamination), and at least one well was installed between the anticipated potential source of contamination and the controlled waters receptor – with no indication of gross contamination being present in, on, or in association with the groundwater surface. I would agree that tank removal works will provide a substantial open excavation which would afford excellent visibility of contamination issues at the site (notwithstanding the possibility of historic tanks being present in un-investigated the north-east portion of the site), but re-lining would not.

I do however accept re-lining would represent betterment, and I would acknowledge that in the absence of this development, the status quo would persist (were the site to be contaminated in it’s current condition, further contamination would occur in future, contributing to pollution of controlled waters).

On balance, I think that it is reasonable to accept the submitted report as a formal remediation method statement & verification plan, and to impose only a verification condition. It is not necessary to include a condition in respect of unexpected contamination, as Appendix M includes a method statement which we would regard to form a formal remediation & risk mitigation proposal.

If development management is minded to recommend approval of this development; I would recommend that the following condition be included on the decision notice;

Implementation of Remedial Measures, and Verification Reporting (Bespoke)

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the recommended Remedial & Risk Mitigation Strategy and the Method Statement for Unexpected Contamination outlined (respectively) at section 7.3 and Appendix M of the EPS Ltd. Phase I & II Geo-Environmental Assessment Report Ref: UK22.6230 (iss1, Jan 2023).

Prior to the occupation of any relevant part of the permitted development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include sampling & monitoring results, survey details, photographic & administrative records, and any other technical/statistical information required to demonstrate that the objectives of the Remedial & Risk Mitigation Strategy have been met.

Where longer-term monitoring of pollutant linkages is identified as being necessary, the Verification 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: *To ensure that the soils do not pose an unacceptable risk to buildings or services, human health, or to the water environment by demonstrating that the approved Remedial and Risk Mitigation Strategy has been implemented as approved, recognising that the approved Strategy has elements of flexibility which enable it to respond to the site conditions encountered. 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 183-185 of the National Planning Policy Framework 2021."*

Mr. Jonathan Driver
Environmental Control Officer