

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/01300	Your Ref:	APP/21/00200
EH Case Officer Extn:	44 6677	Date:	27 April 2021
DC Case Officer:	Daphney Haywood (CC David Eaves)		
DC Case Officer Extn:	44 6513		
Application Number:	APP/21/00200		
Site Address:	32 New Lane, Havant, PO9 2NG		
Proposed Development:	Demolition of existing buildings and redevelopment of site comprising erection of distribution warehouse (class B8) with ancillary offices and related facilities, vehicle storage deck, new access, landscaping and associated infrastructure. [Progress Chase]		

Observations / Comments:

Comments here relate to physical pollution, air quality (and air-quality-relevant aspects of development), and ground contamination. Comments are provided in respect of construction management, but these are limited in respect of loss of amenity due to noise impacts.

I will leave it to my nuisance / amenity focussed colleagues to comment on the noise impact assessment, and lighting strategy.

Summary

- The Construction Management Plan is considered adequate to manage dust emissions and development-phase air pollution impacts. It is recommended to list the plan as an approved document. No condition is proposed.
- I would raise a holding-objection on the basis that the development transport demand (trip generation potential) has not been sufficiently robustly defined, undermining the conclusions of the submitted air quality assessment
- Highways Agency concerns about the assessment of the impact of development traffic are supported.
- Concerns raised by the New Lane Community group about development traffic routing via New Lane / Beechworth Road are supported. Assessment of this routing option could require consideration of the air quality impact of development.
- The proposals are considered to have made a reasonable and proportionate response to emerging Air Quality policy E23 a. (development-emissions offsetting). No objections on this basis.
- Further assessment to address the holding objection referred to above may justify additional air quality mitigation under the principles of policy E23 c. (air quality impact mitigation)
- The draft surface water drainage strategy (SuDS) represents best practice for pollution prevention, and is supported.

- The contamination assessment is accepted. Amendments are required to the suite of conditions proposed by the Environment Agency in order to bring risks to human health into scope, and to ensure that the applicant is not unduly constrained by a strict interpretation of the provisions of the Grampian condition (EA proposed Condition 1)

Air Quality – Impact Assessment, Construction Phase (Construction Management Plan)

Comments relate to the Delta Simons Air Quality Assessment Report Ref: 20-1275.01 iss.2 (April 2021) & the TSL Construction Management Plan dated 12/01/21 issue 1.

The Air Quality report concluded that unmitigated construction activities would represent up to high risk of dust soiling impacts and medium risk of increases in particulate matter concentrations, but that through the implementation of suitable mitigation measures, the effect of dust and PM10 releases would be significantly reduced (to a low/negligible risk). Suggested measures are outlined within section 6.1, and these measures are agreed to represent good practice.

The measures given in section 6.1 of the air quality report are broadly represented in the TSL management plan. I would recommend that the TSL management plan be listed as an approved supporting document comprising an integral part of the scheme, so as to make it's contents (in principle) 'enforceable'. I don't believe that a specific compliance condition is strictly necessary.

If the Development Management service considers it necessary to include a specific condition requiring that the CMP be observed, please let me know and I will draft some condition wording which refers to compliance the submitted framework document & establishes a requirement for LPA approval to be obtained for revisions in respect of certain sections (e.g. working hours, dust suppression etc.).

Air Quality – Impact Assessment, Operational Phase

Comments relate to the Delta Simons Air Quality Assessment Report Ref: 20-1275.01 iss.2 (April 2021).

The report refers to the EPUK & IAQM industry guidance 'planning for air quality' v1.2 2017 in determining significance of any changes to local air quality. The report does reference both National & Local Policy, but does not recognise that the industry guidance pre-dates both the NPPF & LP2036 Policies, nor that there is a compelling argument to make that the significance scales given within the industry guidance is no longer compatible with prevailing policy. Relevant illustrative text from the NPPF is quoted within the report.

In addition, emerging policy from the LP2036 deliberately aims to better the degree of protection offered by the industry guidance, and the extant policy (DM10) includes wording which is compatible with the latest version of the NPPF (i.e. including 'health' focus in addition to a 'standards focus'. I refer to this policy context in light of uncertainty in the reliability of the outputs of the assessment, and of the conclusions that are based upon these outputs.

I note that the baseline traffic figures used for the assessment are crude; there is poor resolution in traffic flow estimates between road links and the figures quoted do not appear to correspond to the values given by the referenced source; differing substantially in the estimate of proportion of traffic representing HGV's, for example. Some values attributed to key road links differ significantly from estimates used in assessments undertaken for other developments – differing by up to a -1/3rd (Park Road North / Park Road South in particular). This will reduce the accuracy of the model. Where the verification points are close to the affected road links (e.g. DT22), this will serve to increase the magnitude of the adjustment factor that needs to be applied. Where verification points are not on affected road links (e.g. if adjacent to an accurately characterised link, effects will not be fully accounted for within the verification process.

It should also be noted that the quantitative assessment of development impact is based upon overall operational trip generation figures and 'net change in trip generation' estimates which are both disputed by the Highways Authority. This raises doubts as to the validity (or 'representativeness') of the estimate of development impact (both in highway, and air quality terms).

Contradictory (development operational-phase traffic) trip distributions are also given in the transport assessment, understood to be a result of a typographical error. Allocation of the development trips to the local road network is not stated clearly in the report, and is only possible to derive by calculation. It appears the air quality assessment may have been based upon a distribution broadly corresponding to Table 5.8 of the traffic assessment (though full calculations have not been undertaken). Table 5.8 is expected to represent the 'correct' figures. Given that 57% of development traffic being expected to access the strategic road network ('SRN', A27) at the Havant Junction (approaching from the local road network, 'LRN'), and Park Road (North / South) is a road link where kerbside exceedances of national air quality standards are known to be likely to occur at junctions; I am unclear as to why no receptors have been considered on this route.

The residents of Cardinal House (on the corner of Park Road South & Elm Lane are considered to represent the worst-case receptor, and the omission of this receptor undermines confidence in the conclusions of the assessment.

In terms of the actual volume of traffic accounted for, it would appear the air quality assessment has considered a net growth in traffic demand as +599 as 'total vehicles, AADT'. The vehicle type distribution assumed is unclear, and I note that both the net-change in flows and the development traffic routing choices assumed (considered as a binary choice from site access) both differ from the net figures given in the transport assessment (from -90 to +466 depending on scenario & 70/30 direction split, given in the transport assessment, compared with +566 & 60/40 split in the air quality assessment). This is illustrative of the 'fluidity' of estimates of transport demand, which I will return to in the sections below.

I would conclude that the air quality assessment has-;

- been based upon baseline figures of poor resolution which differ from the quoted source in both overall volume estimates and in vehicle fleet composition. Additional justification is required for these figures.
- accounted for an AADT net change in 'total traffic' which has not been agreed with the Highways Authority to be either reasonable or robust, and which may differ substantially from the 'true' net change associated with this development
- omitted a receptor which is arguably the most sensitive to changes in air quality, and;
- has referred to industry guidance which is not fully compatible with either local policy

It would seem to me to be irrational to accept the conclusions of an air quality assessment which is based upon a baseline scenario which is poorly justified, and a development impact scenario which has not been agreed to be reasonable. I would recommend that the assessment be considered to have been 'rejected' until these aspects have been resolved.

In the event that the justification for the baseline scenario cannot be agreed, or that the Highways Authority will only agree a development impact scenario which differs significantly from that accounted for within the air quality report, it may be necessary to update the air quality assessment. Otherwise, following receipt of those assurances it may be possible to accept the report.

Development Transport Demand - General (Air Quality)

Comments here refer to the general scheme particulars, the Vectos Transport Statement dated

February 2021, the Delta Simons Air Quality Assessment Report Ref: 20-1275.01 iss.2 (April 2021), and relevant representations made by consultees and local community groups.

I note that paragraph 4.4 of the Transport Statement suggests that *'the vehicle movements associated with the proposed development are already on the local road network as the proposed end user currently operates within the Havant area.'* I would challenge this statement on the basis that Table 5.6, which forms the basis of the 'trip distribution gravity model' indicates that 5% of freight delivery trips will be accounted for within the Havant Area. Given that the trip distribution model is based upon population density, it may be assumed that the employee commuting trips broadly correspond to the delivery demand distribution. Given that the operator doesn't currently operate *from* the borough, it may be assumed that the majority of HGV trips have both an origin & destination external to the borough, even though they may pass through the borough on the national strategic road network (A27 / A3(M)).

I would concede that the statement quoted above is probably true in relation to the 'regional road network', but it is unlikely to apply to the local road network within the Havant district, and it is the impact to the local road network that is most important when considering both the highway impact and the environmental impact of the development transport demand. This is relevant to the concept of 'net' development impact, and I would caution against accepting an offsetting of development trips from its net impact on the basis that a significant number of these trips are already on the local road network – this is very unlikely to apply to any more than 10% of trips, and may even be <5%.

It should be noted that whilst the HA considers gravity distribution model to be robust, the net generation figures have not been agreed. The Highways Authority requires additional junction modelling to be undertaken once a credible net figure has been agreed – as is suggested in the section above, it may be appropriate to update the air quality assessment model to reflect the agreed figures.

The Highways Agency objections relate to the degree of 'netting', meaning the degree to which the transport demand of the operational Pfizer site (whether theoretical, based upon consented floor area by landuse type, or whether based upon actual demand at a given date -) may be offset against the estimated transport demand of the proposed development. What is not called in to question per se is the transport demand estimate for the proposed development under the intended occupant's target operational model.

As regards the transport demand estimate for the proposed development, section 5.4 states *"The methodology of calculating traffic movements is based on the experience from [operating the sites listed in Appdx.G] and is applied to each proposed site on the basis of the number of parcels the site can process in a day, the number of vans operating from a site and the modal split journey to work for the area. This methodology is how the traffic data from the proposed development has been calculated."*

The methodology referred to at 5.4 remains opaque; it is not presented, nor explained in any greater anecdotal detail than described in the quote above. With reference to the data provided in Appendix F of the Transport Statement, I note that it omits the modal split which is apparently available with reference to table 5.1. It appears that there is additional detail available that has not been included within the Transport statement.

I note that some well organised community representation has been made which calls into question the likely trip demand of the development (and so the highway and air quality impact). With reference to certain statements given in the Transport Assessment, the scheme particulars, and to the transport demand estimates given; it would appear that closer scrutiny of the origin of the transport demand figures may be justified.

In particular, it would appear that the operational provision sought under the proposed scheme is substantially elevated relative to the identified need. This applies to both the employee parking space provision as it does to the capacity of the van storage deck, despite statements given at Section 4.25 which argues that the capacity sought is essential for operational efficiency and the viability of the site.

By my calculation, anticipated car trips account for 86% of the parking quantum, ignoring the capacity of the van storage deck for the parking of driver's vehicles. Van storage deck utilisation accounted for is approximately 58%, implying that a 30% reduction in quantum would not harm the viability of the site.

The contrary conclusion is that this apparently redundant capacity is required for anticipated expansion of the operation at the site, which would mean that the transport demand figures given in the Transport Assessment, upon which both the air quality & highway impact assessments are based, may not fully reflect the intended transport demand of the development (i.e. the transport demand that is within scope of the consent under consideration).

It may be worth considering the point in time that the methodology referred to at 5.4 estimates the operational transport demand – it could be that it aims to estimate trip generation at the year of opening, or at a specific point in time (year 3, year 5 etc.). *It appears unlikely that the estimates represent target capacity, or maximum capacity.*

This may be relevant to the consideration of a number of relevant policy matters – including whether the over-provision of parking spaces relative to SPD requirements is sufficiently supportive of sustainable transport policy, for example.

I am mindful of shifting trends in retail which no doubt underpins the business justification for this development, and would of course anticipate that a range of operational scenario's may arise in practice. I would anticipate that for consideration of highway or air quality impact, consideration of a worst case scenario might be helpful (e.g. max. operational capacity) or a 'bracketing' approach may be appropriate (e.g. middle estimate, compared with a target operational capacity or maximum feasible capacity).

It is expected that these matters will comprise material matters for the scheme currently under consideration.

Development Transport Demand – Distribution, "Rat-Running" (Air Quality)

I have reviewed the representation of the 'New Lane Neighbourhood' ('NLN') group (response to the Highways Authority comments). The response provides an arguably rather unrealistic worst case as a counter to the rather opaque 'middle estimate' accounted for within the application documents. I have addressed the issue of the overall development transport demand in the sections above.

The bulk of the NLN representation concerns the LGV routing likely to arise in practice. I have considered the routes suggested, and would dismiss a number of them as not making sensible routing choices for day-to-day operational traffic. Some represent routes that could be helpful when problems exist on principle routes, but other routes highlighted fail to bypass strategic junctions on principle routes, and so don't make good alternatives even under abnormal (congested) traffic conditions.

The exception to this is the Southbound routing option to A27 Warblington via New Lane, Beechworth Road, East Street & Emsworth Road. This route is more than 2km shorter than the anticipated route to this junction, and both routes are hampered by a controlled rail crossing that is

not permanently available. This route would be preferable for all Westbound trips during peak periods or when abnormal conditions have caused congestion on the B2149 which hampers access to the A27 at Havant. It may be justified to consider the attractiveness of this route, and to assess the likely development impact along its route.

I am mindful that the planning process has limited power to control the routing of road-legal vehicles on the adopted highway network – for this reason I would consider this to be a matter of properly assessing the likely highway impact (and securing any necessary mitigation), rather than being an argument for seeking to control the routing of development traffic.

Air Quality – Emissions Offsetting and Sustainability

I would acknowledge the applicant's positive response to comments about the loss of existing PV generation capacity, and the commitment to provide a PV provision within the development, as well as making a commitment to meet emerging policy requirements for sustainable construction.

The Electric vehicle charging provision of 20% van storage deck spaces, with the remaining 80% serviced with passive infrastructure to support future expansion is considered to be a proportionate response which represents good practice.

Other suggestions made at the pre-planning consultation have not been incorporated into the scheme design, but I do note that the scheme brought forward does have an enhanced landscaping scheme which will result in a net gain of 'air pollution interception & absorption' services within the development red-line area.

Whilst neither the Air Quality assessment, the Design & Access Statement, nor the Planning Statement make a specific response to the requirements of emerging policy E23 a., I would acknowledge that the above factors substantially contribute to the policy aims embodied by E23 a.. As such, I would raise no objections to the development on this basis.

SuDS – Surface Water Drainage (Pollution Prevention)

I note that 5no. proprietary petrol interceptors are included on the drainage network, and that a final stage of treatment via an Aco Quadraceptor* unit is proposed. All high-risk areas of the site are appropriately directed via the proprietary treatment units.

Coupled with the permeable surfacing to parking areas, the outline surface water drainage scheme exceeds the SuDS manual Ch.26 requirements for pollution control, representing best practice. The drainage proposals are supported on this basis.

Contaminated Land Assessment

Comments here refer to the EPS Ltd. Phase I Environmental Assessment Report Ref: UK20.5052 iss.4 (25/01/2021). Representations made by relevant consultees have been reviewed.

The assessment refers to a number of prior intrusive investigation reports which identified the presence of contamination in various areas of the site. Some remediation is referred to, alongside report conclusions which characterise the contamination as 'not requiring remediation'.

Some of the reports referenced have been previously reviewed by Environmental Health, others have not been submitted to the Council previously to the best of my knowledge.

I would highlight that both the conclusions of reports, and the standards of remediation that have been accepted in the past are applicable to the context of the site at the time of the assessment

(or acceptance by Havant Borough Council). It should be noted that this context may differ under a scenario of 'comprehensive redevelopment' of the site.

The broad conclusions of the EPS Ltd. Phase I report are accepted. However, I do have some limited comments to make;

- Paragraph 7.3 envisages the primary risk drivers to be secondary aquifer & local surface water's (e.g. the Lavant) alongside the health of future employees of the site. The identified receptors / risk drivers are not disputed, however I would highlight that off-site migration of contaminants to 'contamination sensitive' human receptors that are external to the development red-line area may also represent a significant risk driver. This has been the case for other investigations / remediations in the vicinity of this site.
- Paragraph 7.3 also suggests that sufficient information is available to 'outline' a 'remediation strategy'. I would challenge the 'face value' interpretation of this statement, at least in the absence of a comprehensive synopsis of available results to present a comprehensive site conceptual model which accounts for the result of investigations which have not to date been reported to the Council.
- It is worth noting that the 'remediation strategy' is envisaged within the report to have broad scope, including both an 'assessment of data gaps', and 'additional phases of investigation'. I might disagree the overlapping distinction between the terms 'remediation' and 'assessment' given in the report, these conclusions are accepted.
- A 'high level' data-gap assessment has identified that for further Site investigation, understood to be underway. The assessment targets are broadly agreed, although I would like to see some additional stratified-random trial holes across the site in order to bolster knowledge of the general context of the site (to support statistical assessments & identification of discrete contamination sources / contamination-impacted areas) .

The report acknowledges that additional work is required, and that the Local Planning Authority is likely to seek to secure this work by means of a Grampian-style planning condition. I note that the Environment Agency has requested a suite of conditions to this effect, and also that Portsmouth Water has made a pragmatic assessment in respect of the risks to the principle (abstracted) aquifer (with which I would concur).

The planning agent has also made representation directly to Environmental Health in respect to the contamination assessment, and the imposition of related conditions. I have reviewed the proposed wording of the Environment Agency conditions, and would note that it omits wording commonly used by Environmental Health to support a flexible approach to commencement & condition discharge, which the planning agent would prefer to be used in the event that conditions are sought. I would suggest that it would be helpful to apply consistent 'reason' for each 'contamination-related' condition, and to amend the reasons proposed by the Environment Agency to consistently include human health within the scope of the conditions.

Suggested revisions are presented below:

Condition 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 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 based on the previous assessments summarised within the EPS Ltd. Phase I Environmental Assessment Report Ref: UK20.5052 iss.4 (25/01/2021); 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 in the Remediation Strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: Potentially contaminating activities have been identified on this site. In particular, various pharmaceutical and other industrial activities have been highlighted. The site is above the secondary superficial aquifer which would be considered a moderately sensitive controlled water receptor. The chalk principal aquifer and associated SPZ1c occurs at depth beneath the site under a layer of London clay. The chalk would be considered a highly sensitive controlled water receptor. Alongside the health of future occupants of the development land, and the health of occupiers of adjacent land, these receptors could potentially be impacted by contamination present on this site. To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, 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 178-180 of the National Planning Policy Framework."

Condition 2

[As Environment Agency wording, with 'reason' substituted with that given below]

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, 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 178-180 of the National Planning Policy Framework."

Condition 3

[As Environment Agency wording, with 'reason' substituted with that given below]

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is 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 178-180 of the National Planning Policy Framework."

Condition 4

[As Environment Agency wording, with 'reason' substituted with that given below]

Reason: To ensure that the proposed Piling or other deep foundation does not harm groundwater resources, 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 178-180 of the National Planning Policy Framework."

Mr. Jonathan Driver
Environmental Control Officer