

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/00305	Your Ref:	APP/20/01221
EH Case Officer Extn:	44 6677	Date:	22 March 2021
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/20/01221		
Site Address:	Land to the west of B&Q, Purbrook Way, Havant		
Proposed Development:	Erection of retail foodstore with associated car parking, access, landscaping and engineering works		

Observations / Comments:

Comments here relate to Land Contamination, SuDS, and aspects of the scheme that have relevance to Air Quality.

Ground Contamination

The phase 1 desk-based assessment has identified this previously undeveloped site to like comprise a substantial deposit of made soils, possibly as a result of the B&Q store construction, or as a result of highways construction works.

The phase 2 investigation has identified made soil to a depth of up to 5 metres. Soils generally meet the (waste) classification requirements to be regarded as 'inert', but some high organic carbon (TOC) results from Waste Acceptance Criteria (WAC) may only qualify soils for 'non-hazardous' classification. WAC-derived TOC differs from lab interpolation, and returns a value surprisingly high for the soil descriptions given.

Some anthropogenic inclusions (concrete) are noted at the base of made soils, and a hydrocarbon odour is noted in soils between 1 & 2.75m depth at position WS2. This olfactory evidence of contamination is 'isolated' among the trial holes advanced, but it is also acknowledged that the investigation has physically inspected only a very small proportion of the site spatial area, and has encountered such a deposit; for this reason it is not necessarily justifiable to regard this result as representing an 'isolated deposit' of contaminated material.

Hydrocarbon concentrations identified are not particularly high, but banding indicates a 'higher than usual' representation (proportion-) of lighter fraction hydrocarbons (C8-C10), and an Ali/Aro ratio which does not correspond to a typical diesel or kerosene/gasoil spill. Source is likely to be associated with the made ground deposit (rather than a buried tank or adjacent landuse), but the origin / likely volume is unclear.

The site is commercial in nature, and is not particularly sensitive in terms of human health. I would similarly agree with the comments of the Environment Agency & Portsmouth Water; that

the aquifer (SPZ1c designation) is unlikely to be at significant risk as a result of the development. There are no controlled water's within a relevant distance (nearest ordinary watercourse is a culverted channel >100m distant from site boundary).

The principal risks from contamination at this site are considered to be to human health, following the proposed 1-2m reduced levels dig (bringing finished ground levels coincident with the identified contaminated impacted soil deposit), and human health in enclosed spaces, arising from the elevated CO₂ (up to 14% v/v with positive flows) in soil gas. The soil gas results could be indicative of a degrading source of organic material (fuel deposit, or natural).

The Phase 2 report recommends additional intrusive works to improve spatial coverage, primarily for geotechnical purposes, but also to improve confidence in the relatively limited geo-environmental results/assessment. Basic passive gas protection measures are also recommended for the building.

Given the low sensitivity of the site, there are no results presented which raise a significant 'red-flag' in respect of contamination. However, the results could be indicative of a large volume of contamination-impacted soils that could be relevant to human health risks arising from the development. While Environmental Health recognises the relatively high 'bar' for 'significance' of contamination at this site; on balance I would still consider it prudent (against policy DM10, DM17 & NPPF para 178) to seek to secure the additional investigation results & gas protection for the building. In the context of the geo-technical driver for additional intrusive works, this is not considered to be unreasonable or disproportionate.

In the event that Development Management are minded to recommend approval of this proposal, I would request the following conditions be included on the decision notice;

Contamination (Omitting EDS, based upon submitted EDS proposals) [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 based on the proposals outlined in Remada Ltd Phase 2 Ground Investigation Ref; 770.02.02 October 2020; 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 the 770.02.02 report & (1), and where unacceptable risks have been 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: *The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. 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 178-180 of the National Planning Policy Framework."*

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: *The Phase 2 report has identified indications that contamination is present at the site, but the spatial extent & volume of soil affected is unclear. Unacceptable risks to future employees of the site are possible. Soil gas has been shown to poses a potentially unacceptable risk to health in enclosed spaces, and requires mitigation measures appropriate to CS2 to be implemented. 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 178-180 of the National Planning Policy Framework."*

Drainage (SuDS / Pollution)

I have reviewed the outline drainage layout specifically with a view to assess it's pollution protection features. Comments here are not intended to duplicate or prejudice those of the LLFA, Southern Water or any other relevant consultee.

With reference to drawing SF/LIDLHAVANT.23/10 Rev. P4 (Aug 2020), it appears that surfacewater chambers LC05 & SW10 (alongside their respective upstream linear drainage channels, and gully G09 discharge direct to hydrobrake chamber at SW13 (via SW12).

SW10 serves the delivery area, and this means that any spills of HGV fuel or from stock (containing TSS, oils, organic contaminants) will bypass the interceptor unit, and be communicated downstream ultimately to an ordinary watercourse, and further downstream, to a main river). This is not considered to be acceptable, and I would recommend that the scheme be redesigned to direct surfacewater from the delivery area via interceptor unit (currently shown just upstream of SW09).

It would be acceptable to secure a detailed drainage scheme via a Grampian style planning condition. Please note, the condition proposed by the LLFA is insufficient to secure these changes, and would in effect require the system be constructed in accordance with SF/LIDLHAVANT.23/10 Rev. P4. In this way, *I am recommending that the condition proposed by the LLFA be amended* as it is not considered that the LLFA may not have adequately scrutinised the pollution risks. You may wish to consult the LLFA on these comment, and/or on amendments to the proposed condition.

Air Quality Impacts (Traffic Generation, Impact at Junctions)

I have read the comments of relevant consultees, as well as the transport assessment and the subsequent technical note.

The issues highlighted by others are considered likely to represent 'highway' matters that are unlikely to be material in terms of air pollution at any relevant location. The reasons for this are that the site is relatively remote from 'relevant exposure' from an air quality (human health) perspective, and that the capacity issues identified will tend to correspond to periods of peak trading demand that are too short term to be material to ambient air quality against long-term objectives (e.g. annual average).

Parking, Accessibility, Sustainable Travel & Landscapes (Air Quality)

I note that SPD compliant levels of customer vehicle parking are to be provided. I also note the level of EV charging space provision (one charge unit, two spaces), the comments of PPUD, and the subsequent technical note. Notwithstanding the argument put forward with respect to the weight that policy IN3 should carry; I note that while the applicant refers to '*no specific standards for the provision of EV spaces [being specified] within local guidance*', the supporting text to IN3 refers to a target provision of 10% (spaces) and to provision for future expansion.

The policy aims to secure provision for future demand, not the demand as existing on the 1st day of operation, and it is accepted that at this relatively early stage it might be appropriate to place emphasis on the provision for 'future expansion'. There are synergies between policy IN3 j. & policy E23 a. (Air Quality). Environmental Health considers that EV charging provision would contribute to air quality objectives (reducing emissions from transport) and would for this reason support the comments of the PPUD consultee in this respect.

It is accepted that the site is accessible by means of public transport, but I note that concerns have been raised in respect to the utility of the pedestrian link, currently excluding cyclists as a result of it's width / gradient / specification and available visibility splays. I would agree that accessibility of the site by sustainable travel modes would be significantly improved by upgrading the proposed link to function as a shared surface.

I note the provisions for customer cycle parking are to be SPD compliant, but that staff parking is to be informal / within warehouse. Census data referring to cycle-commuting journeys is referred to – the parking / air quality policies aim to improve these rates (as opposed to simply serving the demand indicated by prior census data), and I would consider that an employee is more likely to choose to cycle if there is a staff cycle storage facility, as opposed to room within a space who's primary purpose is stock storage. This could (however) comprise a formal cycle stand within the stock storage area, rather than necessarily comprising an externally accessible dedicated cycle store (for example). I would prefer to see a formal provision made for secure long-stay spaces for staff. This would be supported by emerging health & wellbeing, parking, and air quality policies.

As above, good-quality provision for cycle parking and improving site accessibility will serve to make both customer & employee travel by sustainable modes of transport as convenient as possible, avoiding transport emissions and so supporting air quality objectives.

In terms of landscaping, I note that the development will result in the loss of mature trees on the southern boundary, which the landscapes consultee considers detrimental to the character of the area. The loss of these trees will represent a net loss of 'traffic pollutant interception & adsorption' services, which contributes to the mitigation of transport-derived emissions from traffic on Purbrook Way. For this reason, Environmental Health would support (on Air Quality grounds) the landscapes requirement for robust boundary screening comprising native hedging

and trees, and the use of planting to break up parking areas (for the same reason). I would recommend that species are used that are included on the Urban Tree Air Quality Score (UTAQS) list (see Woodlands Trust discussion paper 'Urban Air Quality', 2012 – UTAQS list available elsewhere, more recent documents may be available).

Sustainability (Air Quality)

The roof plan depicts 4 no. 'indicative PV array(s)'. This would make a strong contribution to the aims of emerging policy E12 & E23, but I note that the Sustainability assessment does not target the LZC / Energy BREEAM credits, suggesting that the PV provision is not a firm proposal.

I am mindful of the applicant's response regarding the weight that should be given to emerging policy, and it is clearly a planning decision as to whether existing and emerging policy could justify securing a level of PV provision by means of a suitable condition.

Taken with the above recommendations (on landscaping, parking, cycle parking, and accessibility) – this would amount to a proportionate response to emerging policy E23 a) (offsetting development emissions).

Mr. Jonathan Driver
Environmental Control Officer