

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/01223	Your Ref:	APP/20/00441
EH Case Officer Extn:	44 6677	Date:	07 May 2021
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/20/00441		
Site Address:	Land to rear of superstore, Hulbert Road, Havant, PO9		
Proposed Development:	Outline planning application with all matters reserved except access for the development of up to 120 dwellings and associated improved site access, landscaping, footpaths, SuDS and other associated works on land to the west of Hulbert Road, Havant. RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

I have reviewed the revised documents submitted which post-date my prior comments (CONS/20/02411 September 2020). I will update comments provided previously in respect of contaminated land, but will principally focus on documents relevant to air quality.

Documents Reviewed:

- WYG Air Quality Comments Response
- WYG Technical Note 01 (Transport) A096474 (Oct 2020)
- WYG Air Quality Assessment A096474 Iss. 4 (Oct 2020)
- WYG Framework Travel Plan I2 (Oct 2020)
- Representations from key consultees.

Ground Contamination

No change in general advice. I have re-reviewed my prior recommendation alongside the condition wording proposed by the Environment Agency, and consider that the recommendation leaves room for condition discharge problems to arise, and potentially for the effect of the proposed conditions to be undermined. The recommendation for revised wording of condition [1] remains appropriate, but varied wording is required for the condition 'reason'.

Contamination (Standard – 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 within the WYG Phase 1 Geoenvironmental Desk Study Report Ref: A096474; 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 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 both previous land uses (&/or activities) that could pose a risk to future occupants, controlled waters, &/or to ecological receptors. 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 170, 178-180 of the National Planning Policy Framework."

Environment Agency proposed conditions 2-4 are generally appropriate and should function as intended with the proposed wording for condition 1 (above), however, it would be appropriate to amend the condition reasons stated on the decision notice to ensure that the conditions apply for all purposes, in line with the full range of applicable policy. Recommended amendments are outlined below.

Reasons for EA-Proposed Condition [2]:

"Contamination may be present at the site that has not been or will not be identified by the site investigations required by **Condition [1]**, which may be encountered during construction. If allowed to remain at the site, contamination could pose an unacceptable risk to future occupants, controlled waters, &/or to ecological receptors. 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 170, 178-180 of the National Planning Policy Framework.

Reasons for EA-Proposed Condition [3]:

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 DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 170, 178-180 of the National Planning Policy Framework.

Reasons for EA-Proposed Condition [4]:

To ensure that the proposed Piling or other deep foundation in soils affected by contamination does not harm groundwater resources. 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 170, 178-180 of the National Planning Policy Framework.

Transport Technical Note

Development trip generation estimates have been updated, but resulting in a small change in PM peak travel demand. No AADT values are provided, but it is implicit that the revised estimates are likely to have resulted in a change to the total daily trip generation values.

The development traffic trip distribution has also been updated, to bring it in to line with Census travel to work data (to overcome local routing biases driven by access to the strategic road network). Northbound / Southbound distribution was previously estimated to be 58/42%, with the technical note revising these estimates to 15/85%.

Baseline network traffic & development trip generation estimates underpin the air quality assessment, and significant revisions could necessitate reconsideration of Air Quality modelling.

Response to Air Quality Comments

A Key point is that the applicant has made a case that the quantum sought is deliverable with an intended building line of 37m. Given that the applicant believes this to be technically feasible in consideration of other related matters (notably, Highways England's requirements in respect of the noise bund positioning & drainage, and Environmental Health's requirements in respect of the acoustic fencing to be constructed on the bund-); I can withdraw the holding objection to the principle of development insofar as matters are material to the outline consent.

Revised Air Quality Assessment

It is noted that neither the baseline traffic data, nor the development traffic figures have been updated in line with the transport technical note - values are as previously. This would normally be considered to be a strict requirement, but I would acknowledge the general absence of nearby receptors likely to be directly & significantly impacted by the amended estimates.

Substantial revisions have been made to the modelling output(s). The report indicates that this is due to an update of 'modelling... using the latest DEFRA calculating tools and ADMS Roads 5.0'. This implies that the earlier draft used the v.8.0 Emissions Factor Toolkit (EFT) & ADMS Roads 4.1. ADMS Roads v5.0 release date was around February 2020. It is not clear which version of the EFT was utilised previously, but the technical documentation for ADMS Roads 5.0 implies that incorporation of the EFT v9.0 is new to the latest version, so this explanation would appear to be reasonable, and the resultant differences in estimates justified.

The result of this change is that the predicted environmental concentrations for Nitrogen Dioxide are reduced by between -15% to -25% for both 'do minimum' and 'do something' scenarios. The estimated development contribution is not materially altered as an absolute. Given the low results, its impact as a proportion of the Air Quality objective (while greater as a result-) is similarly not materially altered.

Estimated concentrations for particulates are marginally increased in the revised modelling, but in all cases results are elevated by < +0.5%. This change is not material to the conclusions of the report.

On-site monitoring results are similarly updated, following a typographical error in the seasonal adjustment (annualisation) of the results. This is accepted, but it is also noted that the magnitude of the adjustment is significant, and only one AURN site was used to calculate the adjustment factor. The DEFRA recommended adjustment procedure requires multiple sites be used in order to guard against local effects. This increases the range of uncertainty around the

monitoring best-estimate. WYG3 is considered to be the most relevant result given its position relative to the proposed building line. This position returns a maximum recorded raw value at around -10% of the applicable objective value. The revised report confirms that this result is from January, which typically represents the period of poorest air quality. Annualised results are typically substantially lower than concentrations recorded during January. The objective is only comparable to an annual average concentration.

For these reasons, I would agree that ambient air quality should be acceptable for future residents against the current standards. Health & wellbeing & air quality policy may still require examination at the reserved matters stage, depending on the date that the detailed scheme is brought forward. A revision of some air quality objectives is expected to bring regulation & policy in line with developing knowledge about the health impacts of particulates (in particular).

The revised report also provides a response to policy E23 in that an estimate of the environmental damage cost from (a reasonable estimate of the transport demand of-) the development has been made. The estimated value is in the region of £100,000, excluding domestic emissions.

The report suggests that this value should be allocated to measures that are required by other policy – in particular the promotion of sustainable travel and framework travel plan measures. I would highlight that policy E23 seeks additional measures to offset the impact of development, and that contributory measures should be considered to be those that are both ‘air quality relevant’ (positive) that go ‘above-and-beyond the minimum requirements of other applicable policy’. Measures should complement sustainable travel, climate & energy, health & wellbeing, parking, and landscaping policies, and could address local emissions (e.g. domestic), non-local emissions (transport, and energy), or pollutant interception / absorption services provided by landscaping features or elements of the building fabric.

These are matters that can be deferred to the reserved matters stage, but I would reiterate that Environmental Health would encourage the applicant to consider the full suite of health, transport, sustainability & air quality policy as an material & related elements at all stages of the evolution of the scheme design.

Framework Travel Plan

The revised travel plan document presents improved mode shift targets at Table 3.1, doubling the single occupancy vehicle trip reduction target (to -10%), increasing the ‘journeys on foot or by cycle’ target from +3% to +5%, and ‘journeys by public transport’ from +2% to +5%.

The plan is not substantially amended, but enhancements are provided in respect of Focus Groups & Events, Walking Route Maps, and coordination with local schools to promote walk-to-school events. It is also proposed to set up a bicycle user group (BUG), and to seek to engage local public transport providers on service improvements, negotiated discounts and other opportunities to trial initiatives or incentivise uptake.

Monitoring of Car Parking is also proposed, though I would anticipate vehicle parking to be addressed by consideration of the parking SPD and any requirements of the traffic team, which should ensure that parking problems do not arise.

The Monitoring & Review section has also been strengthened, introducing minimum survey response rates & provision to incentive respondents to improve confidence in the evidence base for consideration of performance against the revised targets. Where survey response rates are not achieved, third-party surveys will be procured to establish travel patterns. All these provisions are welcome enhancements / clarifications.

The travel plan details have been moved to an appendix of the report, which now includes indicative costs. The travel plan costs account for around 1/3rd of the value determined in the air quality assessment. As outlined above, policy E23 seeks offsetting that is 'additional' to the minimum requirements of other policy requirements.

Considering these factors, it is expected the detailed scheme brought forward at the reserved matters stage will include a response to the air quality policy E23 broadly in line with the environmental damage estimate included within the Air Quality assessment.

Concluding remarks

I expect comments to be made by Environmental Health under separate cover in respect of noise & amenity, and the lighting strategy (etc.). These comments should be read without prejudice to any comments offered by my 'noise and amenity' focussed colleagues.

That notwithstanding, I have no objections to the granting of outline consent, subject to the inclusion of the suggested amendments to the suite of contamination conditions required by the Environment Agency.

Mr. Jonathan Driver
Environmental Control Officer