

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/03596	Your Ref:	APP/20/00991
EH Case Officer Extn:	44 6677	Date:	07 April 2021
DC Case Officer:	Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/20/00991		
Site Address:	Havant Thicket, adjacent to Sir George Staunton Country Park, Middle Park Way, Havant		
Proposed Development:	Outline application for (matters to be considered outlined in Table 2.2 in the submitted Development Specification) development of a new pipeline to transfer water from Bedhampton Springs to fill the reservoir in the winter and draw it off to treat and supply when needed in the summer comprising: Construction of an underground, bi-directional pipeline linking the reservoir with the existing pumping station at Bedhampton; Emergency drawdown discharge structure at Hermitage Stream; Upgrades to existing culverts; Washout and air valve chambers (typically below ground).		

Observations / Comments:

Documents submitted against this application generally concern both the Reservoir (APP/20/00990 1) & 2)) and the Water Transfer Pipeline (APP/20/00991). I have reviewed these applications concurrently, but will provide comments under separate cover in respect of the Reservoir. Some duplication in comments may arise as a result. Comments here relate to the Outline application for the Water Transfer Pipeline.

Ground Conditions (Land Contamination);

Section 10.26 of the environmental statement describes the significance of contamination issues as being derived by the 'change in risk level to the various receptors', and not by determining the 'magnitude of impact'. This approach is consistent with the regulatory framework, where the magnitude of contamination is generally only considered where there is an active pathway from the 'source' to a contamination sensitive 'receptor'.

It should be noted that the Water Transfer Pipeline should not in principle represent a particularly 'contamination-sensitive' receptor – it is anticipated that the pipeline material will be resistant to the passage of contaminants (typical construction detail indicates coated ductile Iron), it is anticipated that the relative pipeline pressure will be positive (meaning that contaminants would need to migrate against prevailing hydraulic gradient in order to penetrate joints and adversely affect the raw water supply), and that it's construction will be to good standards – water tight under anticipated operational pressures over the short-medium term. It is also anticipated that the raw water transferred by the pipeline will be subject to routine monitoring for a range of common contaminants, and as such that surveillance will afford opportunity for direct mitigation of potential adverse public health impacts, in line with applicable regulations.

The construction of the pipeline will occur within a planning red-line area composed of land owned by multiple parties, and primarily comprising riparian land and adopted highway. The development may encounter contamination from outside sources, but is unlikely to identify contamination whose origin is within the planning red-line area.

The Environmental Statement indicates that an intrusive site investigation is being scoped (is planned) for the pipeline route (para. 10.132). Given the above factors (however), in planning terms it is considered that proactive identification of contamination, with a view to undertaking a risk assessment and/or achieving an appropriate degree of remediation is not justified for development of this type, especially where it is not planned to traverse land formerly occupied by potentially contaminating landuses.

The principle planning question is whether (or not) contamination from external sources is likely to make the land unsuitable for installation of a ductile iron raw water transfer pipeline. In a scenario where significant contamination is encountered, the principle requirements to mitigate risks is to;

- a) notify HBC so that the source of contamination and other receptors that might be affected may be properly considered,
- b) to adjust the pipeline construction detailing in order to mitigate the risk of ingress as far as is practicable, and
- c) to appropriately manage soil arisings & groundworks staff health & safety when working below ground in affected areas, or where working with contamination impacted soils.

It is anticipated that any contamination sources that are significant for the transfer pipeline or groundworks health & safety are likely to be readily identifiable by visual / olfactory means (e.g. fuels, oils, solvents)

Contamination relevant to waste management may not be so readily identifiable, but in planning terms para. 183 of the NPPF 2019 applies to both waste regulation and to health and safety (general, and control of asbestos). Whilst the applicant may benefit from a pro-active investigation, and whilst it's results might be helpful to HBC; I cannot see that there is a planning justification to require such an investigation.

Should the applicant pursue an intrusive investigation, I would however request that it be voluntarily disclosed to HBC in inform it's regulatory activity for the protection of public health.

I would recommend that a proportionate response to the contamination risk would be to require a 'contamination discovery strategy' be observed, and that Havant Borough Council be notified promptly upon discovery of suspected contamination (ideally while trenches remain open). Suggested wording below:

[Condition 1] Contamination (Watching Brief – Unexpected/External Contamination)

"Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that suspected contamination is encountered (e.g. obviously contaminated, stained or odorous soil / groundwater, liquid contaminants, or any buried waste materials not assuredly comprising non-harmful construction materials); works in affected areas of the site shall cease until;

- 1) the Local Planning Authority has been notified of the discovery,*
- 2) risks to the pipeline have been sufficiently considered as to determine whether any additional protection of the pipeline is required,*
- 3) sufficient consideration has been given to the potential for the pipeline to act as a preferential migration pathway as to determine whether measures are needed to prevent migration along the pipeline route,*
- 4) A scheme of works has been derived to mitigate any unacceptable risks identified through the requirements of either 2) or 3) above, and;*

- 5) *the Local Planning Authority has confirmed in writing that it agrees with the consideration of risks and the scope of any proposed measures to mitigate direct risks to the pipeline, or indirect risks to contamination-sensitive receptors.*

A proportionate & flexible approach may be taken to the degree of formality in fulfilling the requirements of 1) to 4) above, and submissions may comprise separate results / reports / statements as appropriate.

All investigation, assessments & other actions required by 2)-4) above shall be undertaken by competent persons, findings shall be presented in a written format, and any works proposed under 4) shall be implemented as agreed (5))

Reason: Contamination may be present in the vicinity of the pipeline route which may be encountered during the course of groundworks. The pipeline could materially influence the degree of risk that this contamination poses to receptors both within & outside of the planning red-line area by influencing the direction and rate of contaminant migration. This is particularly relevant to controlled waters receptors (Hermitage Stream), but human receptors could also be affected. The pipeline could in principle also be placed at risk of penetration by harmful contaminants, or at risk of damage by contaminants that promote corrosion or could cause deterioration of materials used to form seals at pipe junctions. These requirements are 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."

Ground Conditions, Unexploded Ordnance (UXO/UXB):

There is some disagreement between the Zetica & Landmark regional risk screening levels.

Whilst the pipeline works are proposed within the public domain, where UXO risk 'severity of impact' would be substantially elevated, it is recognised that the majority of the pipeline route is previously developed / urban. This means that the risk of prior ordnance strikes remaining undiscovered to date (and to the risk of encountering such ordnance-) is considered to be very low – in practical terms, so low as to be regarded to be negligible. The Contamination 'Watching Brief' condition proposed above should provide a degree of surveillance that is proportionate to the risk.

Air Quality (Development Transport Demand, Development Phase):

Pipeline construction traffic related to the section north of Middle Park Way has been included within the Reservoir Air Quality assessment, and no significant impacts have been identified. The risks from dust & trackout are to be managed via a Construction Environmental Management Plan (CEMP), Environmental Health has recommended a condition be attached to the consent for reservoir construction to secure suitable controls.

The Environmental Statement is a little ambiguous with respect to the expected number of HDV movements associated with the pipeline construction – a worst-case figure of 'more than 15 outward movements' per day is referred to within the dust assessment (30 two way movements), and the air quality screening assessment refers to 'less than 100 movements per day', though this section also refers to the section of pipeline falling within the Reservoir planning red-line area. It is assumed that the estimate used within the dust assessment is reasonable for these purposes, and given the temporary nature of the works, and the progressive nature of the development programme, significant effects are not expected.

Air Quality (Impact of Road Closures, Development Phase):

Paragraph 13.72 of the traffic & transportation assessment (T&TA) notes that 'traffic diversions may be considered significant in environmental assessment terms where it is in place for more

than four consecutive weeks in any 12 month period and leads to a journey length increase of more than one km'. It should be noted that the quoted factors are referred to as additive, not as 'either/or'. In the context of these proposals, I would agree that significant effects on air pollution are unlikely to arise where closures / diversions are not expected to be in place for >4 weeks, as the hourly limit for Nitrogen Dioxide is unlikely to be breached at a relevant location during the period of closure, and as the daily air quality limit for particulates (PM10) have a permissible number of exceedances (35 days), which could not be breached during works of <4 weeks duration.

Table 13-11 of the T&TA identifies several partial or full road closures within HBC residential areas that exceed the 4 weeks total duration. For most, closures occur in more than one 'tranche', and affect 'non-through routes' (or non-principle through roads primarily serving residential accesses). All closures require diversions of <1km distance.

Traffic volumes diverted are likely to be most significant where school access is disrupted. Facilities around schools to support sustainable and active modes of travel are generally very good, and it is considered that a temporary shift from vehicular trips to active travel modes while road access is disrupted is acceptable, and may encourage a proportion of those diverted trips to continue using more sustainable & healthier modes of travel after the road access is restored.

I note that a lengthy closure of Dunsbury Way is expected – provisions will be needed to ensure that access to Bus Services is not disrupted, potentially having the opposite effect to that described above (i.e. risks diverting trips from sustainable modes to private motor car on both a temporary and ongoing basis).

The proposed closures are not expected to result in a significant change in ambient air quality over a relevant period, at a receptor where the air quality limits apply.

Air Quality (Dust, Construction Environmental Management Plan (CEMP));

Without mitigation, the Environmental Statement concludes that the pipeline construction route represents a medium risk with respect to dust emissions & trackout (para. 7.96)

Paragraph 7.109 lists mitigation measures to be incorporated within the CEMP to control dust emissions, and 7.112 & 7.121 proposes a strict construction traffic management plan, also to be included within the CEMP, to be agreed with the LPA. It is appreciated that the application documents include an OEMP, which notably includes specific measures aiming to mitigate the impact of dust during construction of the pipeline, however the application documents refer to content to be included within the CEMP that is anticipated by-, but not included within-, the OEMP.

It follows that simply listing the environmental statement as an approved document would likely be insufficient to secure these proposed measures – para. 7.120 recognises this, anticipating a condition to require agreement of the/a CEMP. I would agree that this would be useful, and would consider that the form should be as a Grampian condition, given that it would seek to control impacts that could arise from commencement of development. Suggested wording below:

[Condition 2] Construction Environmental Management Plan

Prior to the commencement of any specific phase of development approved by this planning permission, a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. Unless agreed in writing with the Local Planning Authority the submitted CEMP shall be based upon- and be in broad accordance with- Volume 4 A2.1 of the application Environmental Statement (Outline Environmental Management Plan)

Reason: *To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties or within the public realm. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely*

impact either the use- or safety- of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework 2019.

Given that this application is for outline consent, it may be more appropriate to secure the CEMP as a reserved matter. Environmental Health has no preference – the aim is to ensure that the proposed mitigation measures are secured and are made enforceable matters.

Mr. Jonathan Driver
Environmental Control Officer