

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/03929	Your Ref:	APP/20/00833
EH Case Officer Extn:	44 6677	Date:	22 December 2020
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/20/00833		
Site Address:	Havant Lorry Park, Southmoor Lane, Havant, PO9 1JW		
Proposed Development:	Erection of a flexible power generation facility with associated ancillary infrastructure, access and boundary treatment RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

I have reviewed the Redmore Environmental Air Quality Assessment Ref 3815-3r3, dated 23rd November 2020, and note that the revised text provides some helpful clarifications.

Human Health – Newly Modelled Receptors & Cumulative Effects

The modelled result for residential receptors at Brookside Road returns acceptable concentrations, <75% of the long-term standard, which against industry guidance (EPUK & IAQM 'planning for air quality') attracts a 'magnitude of change' significance level of 'negligible'.

For the short-term standard, the predicted environmental concentration (hourly) is less than 50% of the applicable standard.

Consideration of cumulative impacts has taken a very basic, pragmatic approach – however the results from consideration of the scheme subject to this application (only / considered in isolation) provide for a significant degree of 'headroom' that would make a more detailed consideration (i.e. multiple source modelling) unnecessary.

The conclusions in respect of human receptors are agreed.

Ecological Receptors

The revised text provides helpful clarification on the interpretation of results previously presented – particularly in respect of the highlighted new exceedance of an applicable EQS created at Ecological receptor E6. Environment Agency guidance apparently assesses significance based upon process contribution (only- i.e. independent of the predicted environmental concentration).

The authors are reliant on the EA's guidance for the conclusion that the result is not significant. The report does not dispute that the proposed process is likely to create an exceedance of an applicable air quality standard, contrary to regulation 22 of The Air Quality Standards Regulations 2010 (duty upon the Secretary of state not to exceed these standards, standards

subject to specific assessment criteria & averaging areas – regulation 6 / sections A and C of Annex I to Directive 2008/50/EC).

This is relevant in policy terms, for the following reasons:

- Extant Policy DM10 provides that: *‘Development that may cause pollution of ...air ...through ...smoke, fumes, gases, ...and other pollutants will only be permitted where all of the following relevant criteria can be met: ...2. National air quality standards or objectives would not be breached.’*
- Policy DM10 carries full weight at present
- Emerging policy E22 provides that *‘Development proposals will be permitted where: a. Projected levels of ...air pollution do not have a likely significant negative effect on ...the wider environment’*
- Given the current status of the emerging local plan (formally adopted by Council, awaiting Secretary of State approval), Policy E22 may be afforded limited weight.
- Policy E22 would allow the interpretation given within the Redmore Report, whereas that interpretation is contrary to extant policy DM10.

I would also highlight that the applicable standard is for the protection of vegetation, and the relevant receptor (E5) is ‘mud flats’. The standard may not directly apply at this location.

The policy interpretation, and in particular the balance of decision between differing policies that carry differing weight, is a planning decision. I would reiterate my prior advice that *‘the views of the county ecologist &/or Natural England (be) sought as to the perceived significance of the highlighted significant result’* with a view to assisting the decision as to whether the new exceedance at a mud-flat habitat subject to lower tier protection status would amount to a material constraint to the award of consent (or not).

My intention is to highlight the result, and to place it within the applicable policy context – the impact would not fall to Havant Borough Council as the Council is not the regulator for this particular standard. I make no specific recommendation in support of- or against- the award of consent on this basis.

Conclusions

The Redmore Air Quality report (r3) is accepted, and it’s conclusions are not disputed. The conclusions do not however fully account for the local policy context, and a balanced planning decision is required. Havant Borough Council as the local planning authority may take that decision unilaterally, or it may prefer to seek specialist ecological advice.

As the Local Authority is not the regulator for the relevant standard, I am not intimately familiar with the requirements for it’s assessment, and further research would be required in order to determine whether the result would be rendered insignificant as a matter of scale (i.e. averaging area). I am aware that determination of this application is time-sensitive, and I’m afraid that I do not have the opportunity to undertake that research within the necessary time-frame.

An informal consultation with Natural England, the County Ecologist or DEFRA may be the most expedient way to resolve any unacceptable residual uncertainty in this respect.

Mr. Jonathan Driver
Environmental Control Officer