

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/02221	Your Ref:	APP/20/00508
EH Case Officer Extn:	44 6677	Date:	30 September 2020
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/20/00508		
Site Address:	Dunsbury Park, Fitzwygram Way, Havant, PO9 4EE		
Proposed Development:	Approval of Reserved Matters in respect to Phase 1 Plot 4a of APP/17/01324 (new employment uses, hotel and access road) comprising construction of 11,622 sqm B2 commercial premises for plot access, layout, scale, appearance & landscaping and Condition B5 Other Matters criteria a to h inclusive.		

Observations / Comments:

These comments follow a request for additional justification & clarification to those provided under CONS/20/02221 dated 28/08/2020, and follow the submission of a revised BREEAM assessment & request for policy justification for comments relating to air quality & EV charging provision.

BREEAM 2014 New Construction, BAM Sustainability Dept., August 2020 (Additional)

The argument presented at s.1.0 (introduction) v/v deviations in BREEAM score targeted for plot 2, 3a & 3b is acknowledged.

In the August 28th comments, Environmental Health queried the awarded credit under 'Ene 4 Low Carbon Design'.

The additional BREEAM document addresses this at section 3.0 (individual credit responses), where it is noted that the ENE 04 credit is discussed only in terms of the 'free cooling' credit not awarded in the pre-assessment.

It remains unclear why the ENE LZC credit has been awarded, but this section does highlight that '*high-efficiency heat pumps [have been specified] for the cooling systems*'. It is possible that ENE 04 LZC credit has been awarded in respect of these heat pumps.

I could understand this in respect of Heat pumps used for Heating applications, as these exploit additional energy obtained from ambient atmospheric temperatures. The technology could only be described as LZC for an internal space cooling application if the waste heat is utilised to support space / water heating elsewhere in the building, or where the appliance can be used for both heating & cooling; otherwise I am unclear on why mechanical cooling should receive credit. While this remains somewhat unclear to me, in light of comments under section 1.0 (and depending upon PPUD's response-), this aspect may not be material.

I would highlight that I am not professionally proficient in BREEAM assessment, and comments made in respect of the BREEAM assessment should be regarded to be observations only, made in the context of a structured argument pursuant to air quality objectives against a range of environmental sustainability policies.

Policy Justification (Air Quality & EV Charging Provision)

I note that the applicant has queried whether there is a policy compulsion to provide EV charging points pursuant to emerging policy IN3 j) 'up-front', highlighting that the previous phases of development at the site (Plot 2, Plot 3a & 3b) do not appear to have been required to provide any EV spaces.

In respect of the latter, I would highlight that all previous phases of development were approved under the first NPPF (March 2012), where Para 35 (concerning provision for plug-in & other ultra-low emission vehicles, imposes requirements to local development to plans only – being the driver for emerging local policy IN3 j).

Similarly, NPPF 2012 Para 124 relates to air quality, requiring only that local policy '*sustain compliance with and contribute towards EU limit values or national objectives for pollutants...*'; omitting the additional provisions of the revised NPPF (2018 & 2019 para 181) which relate to both '*policies and decisions*', and which requires the identification and exploitation of '*opportunities to improve air quality or mitigate impacts...*'. In this sense, quite apart from the state of development &/or status of the LP 2036 at the time, the national policy environment was significantly different when the prior stages of development were approved, than now.

As regards the policy justification for EV charging space provision, I would highlight that paragraph 110 e) of the adopted NPPF states that '*applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*'. Emerging policy IN3 j) seeks to implement (NPPF 2012 para 124, and latterly-) NPPF 2018/2019 paragraph 105 e) [when setting local standards, policies should account for-] '*...the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles*', with IN3 in practice serving to state how the Council considers that an application can demonstrate that the requirement of para 110 e) has been met.

I am not sure that a development can be said to be '*designed to enable charging*' if additional works are required post development to actually facilitate the charging of a vehicle.

I would disagree with the assertion that emerging policy should carry very little weight where the policy is an expression of adopted national policy, serving to communicate the Council's interpretation of how that policy should be interpreted. In this sense, the indication of the direction of travel (for future local policy-) could be said to have material weight prior to submission & adoption of the LP 2036. This applies to policy concerning both air quality & the provision of an appropriate number of parking spaces equipped with electric vehicle charging facilities.

There is perhaps a discussion to be had on how many to provide for physically up-front, and how many should be provided with preparatory ducting / electrical conductors, & for which transformer capacity should be provided, but It is difficult to envisage how a zero provision against the current NPPF could be reasonably justified.

Our policy colleagues may have a more nuanced view on the proper interpretation of the adopted NPPF provisions, and I would defer to their expertise.

Additional sustainability / air quality / design comments;

I would also like to address the comment that *“kick-starting’ adoption [of electric vehicles] by making procurement and operation of a zero-emission electric vehicle as convenient and appealing as possible at the outset’* (a quote from the original EH consultation response) *‘doesn’t seem to be enshrined in adopted policy/legislation’* (Savills comment)

The EH comment quoted referred to in the context of the integrated system referred to, with an initial provision of electric vehicle charging facilities in line with the policy context outlined above, and the likely future requirement for expansion— the initial provision serving to address a potential barrier to early adoption, and so serving broader design & sustainability policy in parallel to the meeting of air quality objectives.

This comment was made in the context of both Emerging Local & Adopted National Policy (IN3 j), & 110 e) respectively), as guidance to a best practice approach to the ‘offsetting emissions’ required by emerging policy E23 a); E23 being an expression of the Council’s view of how NPPF 2019 paragraph 181 could be shown to be met, accounting for NPPF 2019 para’s 150,151 & 9 (*‘Planning... decisions should play an active role in guiding development towards sustainable solutions’*).

Mr. Jonathan Driver
Environmental Control Officer