

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/02228	Your Ref:	APP/18/00724
EH Case Officer Extn:	44 6677	Date:	08 November 2019
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/18/00724		
Site Address:	8 and Land Behind, Sinah Lane, Hayling Island		
Proposed Development:	Erection of 195 No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

The cover letter to the amended & additional documents submitted contains a direct response to comments made by Environmental Health at the initial consultation (under EH Ref: CONS/19/01363, 07/08/2019). Comment here will largely focus on the points addressed.

Contaminated Land Assessment

Environmental Health had previously recommended that Chemical Results from Groundwater monitoring, PID screening, Soil Gas Monitoring & Winter Groundwater Levels monitoring (all omitted from the report originally submitted) be obtained.

Barratt David Wilson (BDW) has confirmed in it's response that no physical testing of groundwater was undertaken. Given this, the statement contained within the J16123/DB/c03 report and referred to in my previous response is considered to be somewhat misleading, but does not necessarily require amendment. BDW has also given the clarification that a decision was taken not to collect samples due to the lack of any visual or olfactory indications of contamination during any of the (water levels & soil gas) monitoring visits, which is helpful context.

The response also confirms that the total volatiles (PID) screening results were not included in the report, as all readings taken returned values below the unit's limit of detection. Screening results are included on the recently submitted gas monitoring results which confirm <LOD concentrations, confirming this statement, and representing favourable results.

The soil gas results are also favourable, confirming <LOD results for methane, elevated CO2 concentrations at <1% by volume, and Oxygen levels consistent with healthy soils (indicative of good well seals, and not indicative of significantly elevated BOD / COD due to presence of contaminants).

2016/17 winter water levels were not identified any closer to ground level than were indicated on the site plan to the J16123/DB/c03 report.

The response suggests that BDW would be willing to engage in further sampling if the Local Planning Authority requires it. Groundwater sampling can provide useful contextual information, and is usually capable of indicating the presence of a nearby source that has not been intersected by the trial holes. I would typically favour the collection of a sample where a well is present that is both intact & accessible; however in this case the context would suggest that this is not necessary. There are several reasons for this conclusion, including;

- BH2 is positioned on (or very close to-) the site boundary, and is both adjacent to- & down 'apparent-hydraulic-gradient' of-, the potential off-site source.
- BH2 winter groundwater levels have been recorded as shallow as 0.45m below existing ground levels ('BEGl'), meaning that any contamination present that is capable of migrating with groundwater (as LNAPL / colloid / suspension / dissolved-phase) would be expected to be present within a shallow 'smear zone' from around 0.5m depth, and so would be expected to be evident in soils or vapour.
- Two soil samples were taken from BH2 at depths within range of the local groundwater fluctuations, both returning no significantly elevated concentrations (i.e testing 'clean').
- Soil gas samples were taken from BH2, with results not being indicative of biological degradation of organic contaminants.
- PID screening did not indicate the presence of any hydrocarbon or solvent vapours at BH2, and;
- BH9 results (further down-apparent-hydraulic-gradient) were consistent with results from BH2.

BH2 & BH9 represent locations where it is considered most likely that any significant contamination associated with the adjacent potential source would be apparent, and so the absence of such indications is considered to be sufficient to conclude that no significant contamination is likely to be present.

On this basis, I do not consider it necessary to insist that a groundwater sample be collected for analysis (and results submitted). On the basis of the clarifications contained within the BDW Cover Letter Dated 11/09/2019, I would also not consider it necessary to insist upon the issue of a revised version of the J16123/DB/c03 report.

The conclusions of that report are accepted, and in line with my previous response (CONS/19/01363, 07/08/2019), I have no adverse comments to make, and I propose no planning conditions.

Drainage / SuDS

I note that the on-site surface waste and foul pumping stations are to be offered for adoption, and I understand that Southern Water has provided an 'agreement-in-principle' on adoption, which is welcome, as is the clarification that both emergency storage capacity and monitored telemetry are to be installed at the facility.

Notwithstanding the comments from Natural England regarding the need for enhanced pollution attenuation for SuDS discharging to environmentally protected sites - the justification given within the cover letter dated BDW 11/09/2019 for omitting a Pollution Valve is accepted.

I have reviewed the documents recently submitted, which includes a Surface Water Drainage Briefing Note and SUDS owners manual (maintenance schedule).

SuDS Briefing Note:

I note that Southern Water raises queries about both access and the provision of emergency storage capacity (assumed on the foul system - not shown on drainage plans) - proposing these to be matters to be addressed under the s104 agreement. Environmental Health supports the

case for redundant capacity to minimise risk of release to sensitive environment under fault conditions (allow time for maintenance staff to attend), and is mindful of the requirements of para. 183 of the NPPF.

SuDS Features Maintenance Schedule:

I have no specific comments to make, other than to highlight that the only reference to silt/sediment removal under section 5) (detention basin) is in relation to 'inlets and facilities surface', and 'inlets, outlet and forebay', and it is at best unclear from this text whether references to either or both 'facilities surface' and/or 'forebay' should be taken to mean the available freeboard depth of the basin will be checked for reducing capacity due to siltation. This is an important element of the maintenance schedule that is not clearly addressed.

It is also apparent that the schedule covers assets that should, according to other documentation, be adopted by Southern Water. It is considered unlikely that Southern Water would adhere to an approved schedule of preventive maintenance, and would likely tend toward 'as and when required'.

With reference to my previous comment: *"I note that the design of the surface water collection upstream of the pumping station is conventional in nature, with all 'SuDS' features existing downstream. I am unclear on whether this is sufficient to overcome the usual refusal from Southern Water to adopt systems with SuDS elements (due to their complexity, and increased risks of poor reliability)"* I am unsure whether;

- a) the cellular & tubular storage facilities and flow control structure are likely to be regarded by Southern Water as unadoptable SuDS features, or
- b) whether it is possible for Southern Water to adopt a drainage network which is upstream of unadoptable features - i.e. functionally dependent on private assets.

Point a) is only relevant insofar as the Management & Maintenance Company (and their agents) being clear on which assets are in scope of their responsibilities; whereas point b) could prejudice the principle of adoption. whilst it is acknowledged that there are difficulties in securing Southern Water's undertaking to adopt any specific asset in the absence of detailed designs, it should nevertheless be possible to clarify that Southern Water's 'agreement in principle' to adopt the pumping station & conventional network is not undermined by it being dependent upon of private assets for proper function. *I would recommend that for completeness, this be confirmed.*

Assuming that adoption is not prejudiced - I have no adverse comment to make about the observance or otherwise of the preventative maintenance outlined in the owners manual for elements of the system which are expected to be adopted. Southern Water has a robust reactionary resources which it is reasonable to assume will function effectively in the long term.

Save for the ambiguity alluded to above, the schedule is appropriate in all other respects.

Air Quality

i) Assessment of development impact (Direct)

No Additional Comments

ii) Traffic & Transport Assessment (Accessibility & Mitigation)

No Additional Comments

iii) Traffic & Transport Assessment (Junction Capacity & Mitigation)

It is noted that the Environmental Health's previous comments have been reviewed, and that an enhanced strategic highway contribution to account for concerns about the impact at West Ln. is proposed. This is intended to support HBC & HCC plans for improvements at this junction, and discussions are ongoing with HCC to agree the appropriate level of contribution.

This is agreed to be an appropriate response to the concerns raised, as avoiding congestion at this pinch-point will by definition help maintain free-flow of traffic, and it is known from representative monitoring undertaken at the A3023 roadside that maintenance of free flowing traffic on this road will maintain compliant air quality at residential property adjacent.

For clarity, I am content to agree the principle of the contribution, and to defer the details (determining an appropriate & proportionate amount) to the Highways Authority, and the purpose of the funds is to secure mitigation of traffic flow.

The cover letter indicates that EH had not reviewed the "Addendum Transport Assessment" (TA); there may be some confusion between terminology, and it is believed that what BDW has referred to as an addendum TA is likely to be the same document as the PB Associates TA 'Re-consultation Technical Note' (Ref_041.0031/RTN/1). This is the document referred to on the schedule of submitted plans and documents (at the September reconsultation).

It is noted that the 041.0031/RTN/1 Technical Note refers to a forthcoming 'revised TA', and the cover letter refers to an additional Transport Assessment due 'this month'. This awaited report is expected to be the document which HCC requires to agree a reasonable contribution in respect of the development impact at the West Land / A3023 Junction.

In this way it is believed that Environmental Health has had sight of the latest available documents in making these comments.

iv) Sustainability & Design

For ease of reference, I will maintain the same structure for comments as in previous responses;

- IN1 - the applicant's response to this is addressed under iii) above.
- IN3 j)(i) - Plan PL-13.P2 represents the applicant's response to previous comments, with domestic charging stations now proposed for all units with private garages. Whilst this does not go as far as the policy envisages, given the current status of the policy *this is considered to be a reasonable response which serves to contribute toward mitigating the transport emissions of the development* in the medium term.
- E1 g) - no specific response, previous comments still apply.
- E1 k) - The latest reconsultation includes the revised cycle storage plan. It is noted that the Kenley & Maidstone unit types, are not proposed to be provided with garages, external or internal cycle stores; amounting to 69 units which fall short of the current (2016) Parking SPD Cycle Parking standards. There is no commentary to the decision to omit the cycle parking, so it is not clear why the applicant considers it appropriate to depart from SPD. Active travel, especially to schools and places of employment forms a significant part of the strategy for maintaining and improving air quality, and in the absence of any specific justification; *it is considered that external cycle stores should be provided for these units which do not require transitioning the cycle through the habitable accommodation to reach the local highway network.*

- E12 - the applicant has made a response to these comments, relying upon the fabric-first approach. The applicant does reiterate the comment as regards Building Regulations which I have previously challenged. Specifically as regards air quality, and the public health impact of air pollutants; I would point out that a fabric first approach to E12 which does not address heat loss through ventilation, or facilitates occupants reducing ventilation rates to sub-optimal levels-, would tend to increase the health risks associated with indoor air pollutants, known to represent a substantial component of personal exposure. This comment is intended to provide context to the planning decision against the applicants response to policy E12. *I do not make any specific recommendations or requirements*, as the Council's regulatory duties for air quality do not extend to the indoor environment.
- E23 - the applicants response to the concerns raised about impacts of travel is acknowledged, as is the provision of EV charging points, and the contribution towards maintenance and enhancement of the Hayling Billy Trail - an important 'active travel' route. It is also acknowledged that the landscape proposals substantially increase the opportunities to intercept and remove air pollutants through natural filtration - with green boundary treatments to the street frontage being a significant feature, alongside avenue tree planting, community orchard, landscaped LEAP and enhanced buffer planting consisting of minimum 50% species with a medium-high UTAQS (urban tree air quality score). Given the relatively low background levels of air pollution at this location - and assuming that the cycle storage provisions are brought into line with the cycle parking standards contained within the 2016 SPD; *taken together these provisions may be taken to amount to a reasonably robust response to the mitigation of the contribution of the development to local emissions.*

Other Comments;

I note that the Public Health Consultee highlights that Health and Wellbeing Opportunities are to be the subject of future consultation, and that the infrastructure delivery statement is 'emerging'.

Environmental Health would support the Public Health Recommendation no. 6 in particular, and would echo HCC's desire to be 'part of the conversation' to explore the health & wellbeing outcomes - with a view to identifying synergies with air quality goals, and to ensure that opportunities for alternative sustainable/active transport are maximised wherever possible.

Mr. Jonathan Driver
Environmental Control Officer