

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01363	Your Ref:	APP/18/00724
EH Case Officer Extn:	44 6677	Date:	07 August 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:

I have reviewed the revised application documents, which are notably fairly extensive. For convenience, I will reiterate in summary any comments provided previously that remain valid.

Contamination

No new information has been provided, and comments remain as previously. The main body of the report describes results which are favourable, but the supporting data was omitted. My recommendation remains to obtain the following information for consideration prior to making a formal determination of this application;

- Results of Chemical Sampling of Groundwater from Boreholes completed with standpipes (BH 2, 6, 9, 11 & 14) - assumed sampled on the basis of the following statement *"...elevated concentrations of a wide range of potential soil contaminants have not been detected within the selected representative soil and groundwater samples recovered from the site."*
- Results of PID screening of soil samples (headspace)
- Results of Soil Gas monitoring - assumed undertaken on the basis of the following statement *"...Limited soil gas monitoring carried out to date has not indicated..."*
- Results of winter water level monitoring undertaken during 2016/17
- Confirmation that drilling date for boreholes numbered BH1 - BH9 is a typographical error. If not, the report should explain the mis-match between the drill date and the analysis date.

Assuming that the above available information can be obtained (and is as anticipated), I would have no adverse comments to make on contamination grounds, and would propose no conditions.

If it is not possible to obtain that information prior to making a determination, I would recommend a bespoke condition to a) obtain it, and b) require additional investigation, assessment or mitigation in the event that the Council is unable to agree the supporting information.

Drainage / SuDS

There are no amendments to the drainage strategy which I would consider material to the pollution attenuation function of the SuDS features, or the level of pollution risk posed by the amended development proposals.

I have not identified any documents confirming that the pumping station is to be adopted, nor relating to the long-term maintenance of this critical infrastructure (if remaining in private ownership). As previously mentioned, the Council regards pumping station facilities as representing a relatively high risk (of failure), and prefers adoption by the sewage undertaker wherever possible.

The Council has enforcement duties for the proper function of private sewers, and has an interest in ensuring that in the event that this facility is to remain private, appropriate preventative maintenance is secured from the outset, to mitigate the public health risk associated with a failure event. Advice previously provided is reproduced below;

"...it should be established in the clearest possible terms where management responsibilities lie in respect of the conventional drainage infrastructure, the pumping station, and the SuDS features. If remaining private, robust and binding provisions should be made for maintenance and management. Ideally, the detailed design, and maintenance provisions should be secured by condition for Council approval prior to occupant, and should include a programme of preventative maintenance for 'natural' features (Ditches, Swales, Basin, flow control etc. which addresses the potential conflict between their ecological / amenity value and as their function as drainage infrastructure. It is assumed that the commitment to build the pumping station to adoptable standards ensures a pumping station that includes redundancy to provide continuous service in the event of pump failure or planned maintenance downtime"

With reference to the exceedance flow and baseline hydrology, I note that surcharge related to a pumping station failure would likely result in accumulation of wastewater in the swale, and ultimately the attenuation basin (which is seen to be a favourable scenario). I do note however that the drainage strategy does not reference installation of a pollution-value (attenuation basin outlet shut-off) which could be operated in the event of such a release (to prevent downstream transmission of contaminated wastewater to Langstone Harbour at the Southern Water SW Sewer headwall at 470135, 100517).

It is recommended that the drainage scheme be amended to include such a control device (or that the Hydrobrake flow restriction device include a flow shut-off function, as well as a flow bypass function).

Air Quality

i) Assessment of development impact (Direct)

The WYG Air Quality assessment report has not been updated for this revised submission. Comments previously provided therefore remain applicable.

My previous comments may be summarised as "...I do not dispute the favourable conclusions of the air quality assessment". However, with specific reference to the transport assessment upon which the Air Quality assessment was based, that I would equally not consider the Air Quality assessment to be sufficient to dismiss the possibility that further consideration of air quality impacts may be necessary. This was in particular in response to the right-hand-turn traffic conflict associated with the West Land / Havant Road A3023 junction implied by the PB Transport Assessment 041.0031/TA/2. See previous comments for detailed rationale.

ii) Traffic & Transport Assessment (Accessibility & Mitigation)

Previous comments may be summarised as follows;

- I would agree that the site to be reasonably accessible - access to bus services is available within a convenient walking distance, as are local services at West Town
- The direct accesses to [the Hayling Billy Trail] underscore the likelihood of increased usage, and therefore erosion - and for this reason the proposed contribution for surfacing improvements is considered to be both justified and necessary.
- A contribution to [the Hampshire County Council Strategic Improvements to Bus service 31] is considered to be an appropriate, and sufficiently relevant / targeted measure which will serve to improve connectivity of Hayling Island more generally, and that;
- Taken together, these measures are agreed to improve the sustainable travel offering, and facilitate modal shift away from modes with greater 'per person-kilometre' emissions rates.

The applicant has sought to address emerging policy of the Local Plan 2036 - I will provide some general comment under point iv) which will also touch on 'mitigation' in terms of infrastructure, air quality and sustainability.

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

I have reviewed the PBA TA Re-consultation Technical Note Ref: 041.0031/RTN/1, which specifically covers the development amendment only, comprising layout & quantum, means of access, servicing, and parking standards - largely representing matters of little relevance to Air Quality.

Matters of interest from an Air Quality perspective (with reference to comment provided previously) are those referred to at 1.2 of the Technical Note as having been raised by HCC, and reportedly covered within the addendum TA referred to at 1.3, but apparently not submitted as part of this application.

Of particular interest would be;

- The results of the review of pedestrian infrastructure, including crossing facilities on the 'walk to school' route via St. Mary's Rd.
- Details of the liaison with the local bus authority with regards to facilitation of upgrades to Bus waiting facilities & the provision of a Real-Time Travel Information System for Station. Rd.
- The review of methodology for accounting for school trips,
- The mitigation strategy for West Ln./Havant Rd. Junction, and
- The outcome of the review of development traffic impact at the A27 roundabout

The mitigation strategy for the West Ln / Havant Rd. turning movement is likely to be the most relevant from an emissions / exposure perspective, as this represents the greatest risk of disproportionate emissions impact (relative to vehicle numbers) at a location where multiple sensitive receptors are present within 5m of the kerbside.

As the above-referenced addendum report has not been made available for review, comments remain as previously, and may be summarised as;

- NPPF sets a benchmark where the principle of development may be rejected, and not a de facto minimum standard of mitigation
- Local policy has effect, and may be exercised to justify a level of contribution or package of mitigation which represents a reasonable prospect of achieving 'no detriment' (e.g. supported by CS20,2)
- The rationale for favouring a contribution toward an authority led (public transport improvement- &/or junction modification-, &/or infrastructure enhancement-) scheme (over a scheme of direct intervention) is accepted in principle.

iv) Sustainability & Design

It is noted that since the original consultation response, the 161 unit allocation formerly referred to as H31 - "Station Road (North of Sinah Lane/West of Furniss Way)", has apparently been revised - now being referred to as H29 "Land North of Sinah Lane", and allocated for 'about 210 dwellings'.

My previous comments were based in part upon the need for strong sustainability credentials where the proposed quantum exceeds the perceived capacity of the site.

This notwithstanding, the applicant has submitted revised documents which are material to the question of sustainability & design, and in particular, has sought to address emerging policy. I would like to highlight some points in respect of this insofar as they are relevant to Air Quality and Emissions Reductions more generally.

- IN1 - the compliance statement refers somewhat unhelpfully to mitigating pressure from travel demand to a level where it is 'not considered to be severe'. This wording refers to NPPF provisions which I have dealt with both previously, and above. Conceptually, it is considered a flawed interpretation of policy to consider the 'severe' impact to be the definitive minimum standard that it is acceptable to achieve, post-mitigation.
- IN3 - the compliance statement focuses upon a number of the access and movement, and provisions relating to the assessment and mitigation of transport demand. A conspicuous omission is any response to IN3 j), electrical charging infrastructure. I would also point out inconsistencies between statements given about cycle parking, with drawing PL-7 P2 appearing to show cycle parking provision contrary to existing local SPD, and to the requirements of IN3.
- E1 - notably absent from the compliance statement is any response to E1 g). Amended elevations retain the text "*Solar Panels Type, Size, and Orientation to be agreed. Plot specific*", but there remains no specific reference to a local LZC provision in any of the planning to design statements.
- E12 - the statement does not make any provision against this policy, and instead seeks to directly challenge the power of the authority to impose local requirements. I feel that the interpretation applied is in error, and there are numerous examples if where local policy may augment the minimum building regulations requirements with additional provisions, without the need to present a local evidence base. The role of building regulations is considered to be limited to individual buildings, setting minimum standards for the protection and benefit of it's occupants (though ancillary national benefits may result, for example from regulations relating to water and energy use). Local policy differs in that it sets local requirements for 'quality of place' and the 'acceptable use of land' - whether referring to land within the development red-line area, or to the wider locale within which the development must integrate. The Local Planning Authority is not only empowered to set local requirements, the NPPF requires it. The applicant's statement in respect of E12 challenges the validity of these provisions of the NPPF, and in questioning the evidence

base, would appear to call into question the global consensus on the need to limit carbon emissions on aggregate. I would challenge this response in the strongest possible terms, not only on these grounds, but also on grounds of the growing consensus that the mitigation of emissions which affect local air quality are inextricably linked to energy use, and thus carbon emissions.

- E23 - the response focuses upon the assessment of transport emissions E23 b) & c), and does not respond to the offsetting of development-related emissions which include, but are not limited to transport emissions (E23 a)). I would regard the application of the argument presented by the applicant under E12 above to be equally flawed for application to E23, for the same reasons.

It is recognised that the Local Plan 2036 policies have restricted weight at this point, and I would similarly acknowledge that some proposals contribute toward compliance with some of the above-referenced policy (particularly the landscaping proposals, and E23 - relative to the existing, and especially if the comments of the landscape consultee - which are supported by this service - are implemented)

Whilst it may not be appropriate for the Council to seek EV charge point provision at this stage in the plan adoption process, I would recommend that the Council seek to ensure that the substation proposed is sized to account for likely EV charging demand (in the spirit of IN3), and ideally, that mains lines are similarly sized to accommodate such future demand without the need for upgrade.

I would also recommend that the Proposals in respect of cycle parking provision are confirmed prior to the making of a positive determination. Drawing PL-7 P2 appears to show a substantial number of properties are not to be provided with an external cycle store. There are examples of Kingsley, Maidstone, and Kenley variants not furnished with either an external store or access to a garage, and the floor plans for these do not appear to show an internal store, is the case for some other variants. I have not conducted an exhaustive review, and these serve as examples only. It is unclear how this requirement is to be met, and it would be problematic for compliance with other related policies if inadequate provisions for cycle storage are made. In particular, the residential travel plan is reliant upon occupants having convenient access to cycles for shifting travel modes to sustainable and active means.

If making a positive determination of this application without an amended bin & cycle store plan; drawing PL-7 P2 should be excluded from the approved documents list, in order to give precedence to the statements given in the approved travel plan and 2.14 of the technical note.

Mr. Jonathan Driver
Environmental Control Officer