

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01560	Your Ref:	APP/19/00703
EH Case Officer Extn:	44 6677	Date:	27 August 2019
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/19/00703		
Site Address:	Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA		
Proposed Development:	Part-demolition of Building 1000 and associated works; the erection of new flexible use industrial units; and a new parking layout with associated works to layout and access.		
	Any views you should wish to make should be returned to me no later than 28/08/2019.		

Observations / Comments:

I have reviewed the application supporting documents, a inclusive of the REC Air Quality Assessment Report, Peter Brett Transport Assessment, Delta Simons Preliminary Geo-Environmental Risk Assessment, the Drainage and Flood Risk Assessment, and related Scheme Design/Sustainability Documents.

Given the documents submitted, it is appropriate to provide comments on interrelated areas of 'air quality / sustainability / transport' (air quality), and 'contamination / ground conditions / drainage strategy' (contamination), and drainage strategy (pollution).

Contamination

The Risk Assessment highlights some results from preceding rounds of investigation (not previously reviewed), including suggestions of possible ground gas issues, groundwater contamination with persistent aquatic pollutants, and evidence of localised contamination with arsenic and toxic heavy metals (Pb, Hg, Cd). Site walkovers have in the past identified other features that warrant caution - including the storage and handling of cyanide and industrial solvents - in the latter case, within in below-ground storage areas.

The site is large, and the relative low-sensitivity in terms of human health is accepted - however the site is also bound to the East by the Lavant, and the site is less than 1km upstream of internationally protected aquatic habitat. The risk driver for the site is likely to be the potential pollutant linkage between identified contaminants toxic to aquatic ecosystems (Heavy Metals, PAH / BTEX, and Chlorinated Solvents), and potentially significant, mobile contaminants such as cyanide.

Section 6.1 of the Delta-Simons report acknowledges this, recommending an intrusive SI within the development areas to include sampling of soils, leachate, groundwater and soil-gas - largely for the purpose of confirming a suspected low risk.

On the basis that there are sensitive receptors immediately adjacent to the site, shallow groundwater (a contaminant migration vector) has been identified alongside a feature which may be capable of acting as a preferential migration pathway (vector between source and receptor) for mobile contaminants, and that there are numerous potential sources of contaminants relevant to the adjacent receptor - I would agree that investigation is prudent.

It is also acknowledged that the proposed development could in principle be significantly affected by contamination (particularly gas), and so there is also some merit in confirming an anticipated low risk to the future occupants. I would recommend that the investigation proposed in section 6.1 be secured by means of suitable conditions, suggested wording below:

Condition 1 (Contamination – omitting EDS, based upon submitted proposals)

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the proposals outlined within the Preliminary Geo-Environmental Risk Assessment Ref_19-0687.01 (section 6.0); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.*
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks, and;*
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk groundwater & local surface waters (ecology), to the proposed buildings, and future occupiers of the site.*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** shall be submitted to and approved in writing by the Local Planning Authority.*

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk groundwater & local surface waters (ecology), to the proposed buildings, and future occupiers of the site.

Drainage Strategy (Pollution)

The drainage strategy (Clancy Consulting 8/1982) identifies existing private stormwater drainage features which represents the applicants preferred option for disposal of site surface water.

It is noted that the Environment Agency has no objection, and that a permit will not be required provided that the water is 'clean' (i.e. that sufficient pollution attenuation features are present upstream of the discharge point, in accordance with the SuDS manual guidelines).

The strategy describes some pollution control measures. Car parking area are reliant upon a permeable-paving solution for exclusion of suspended solids and hydrocarbons from the surface water system. With reference to the landscaping scheme, which calls for impermeable access roads (including between parking bays), this strategy implies that impermeable areas fall to permeable areas and are not positively drained. If this is the case, and the permeable surface is capable of passing the water falling directly upon it's surface + the contribution from the impermeable surfaces - then this element of the strategy may be agreed.

If (however) the impermeable surfaces are to be positively drained, the pollutant attenuation capacity of the permeable surface cannot be relied upon for the area occupied by the impermeable access roads, and so downstream attenuation features will be necessary.

I note that permeable surfacing is not proposed for the industrial areas, due to their inability to meet the required load-carrying requirements. These areas are to be positively drained, and the drainage strategy confirms that 2 no. Hydro-International "Downstream Defender" units are proposed to provide the necessary primary & secondary treatment (a single unit is insufficient to manage the anticipated pollutant inputs, so these are to be connected in series).

This is acceptable in principle, though with reference to the drainage layout I note that the treatment is proposed downstream of the flow-rate attenuation (hydrobrake chamber, limiting to a fairly high rate of 132 l/s), and that roof water is not to be separated from the surface water collection system.

The Environment Agency often requests a condition precluding the passing of roofwater via in oil interceptor unit, in order to minimise the risk of 'wash through' or bypass of attenuation chambers during periods of high flows. The proposed downstream defender units are in lieu of oil interceptor units which are commonly installed at such developments to manage the elevated risk. Given the reduced pollutant attenuation rating quoted in the report (for the Downstream Defender units), I would assume that an equivalent or higher risk of 'wash through' exists (relative to a proprietary oil interceptor) , and therefore that the reason for seeking to separate roof water & surface runoff would equally apply to this scheme.

Whilst I will leave it to the LLFA to comment on the flow attenuation and storage capacity volumes - *I would recommend that the applicant consider separating the surface water systems* (i.e. to dispose of roofwater direct, and pass hardstanding runoff from the industrial area via the Defender units) *in order to avoid the risk of washout / wash-through when operating at high flow rates.*

If the applicant is not amenable to a scheme amendment, I would recommend that additional

information is requested from the applicant to demonstrate the efficacy of the units for pollutant attenuation & retention under anticipated maximum flow conditions (recognising that the design flow rate quoted will likely not represent a maximum flow rate if comprising a venturi-type device).

It may also be prudent to seek the opinion of the Environment Agency on the need (or otherwise) for separating the systems, taking full account of any additional information provided by the application in respect of pollution attenuation performance.

Other than this, I have few concerns - the drainage strategy provides a clear statement of liability for the private drainage system, and a commitment that the Operations & Maintenance Manual will include all measures described in the drainage strategy. The system is uncomplicated from the perspective that there are no 'soft' SuDS measures - the system comprises 100% 'engineered' SuDS which whilst lacking some of the ancillary benefits, is likely to be more reliable / lower maintenance.

Air Quality (Assessment of Impact)

I note that a number of the local objections relate to the concentration of parking adjacent to the East access. This is interpreted by objectors as being contrary to policy, and as risking a routing bias that is perceived to be likely to lead to additional congestion at the A3023/East Access due to turning movements, and by extension to be a directly associated air pollution impact.

The Air Quality Assessment (REC report Ref: AQ107578 iss.1) aims to quantify the air pollution impact at the East Access. It is worth noting that the Air Quality assessment is heavily reliant upon the veracity of the baseline traffic flow estimates from which the development emissions impact derives, and that in the context of the Air Quality assessment, these are presented as 'black box' estimates which do not directly derive from traffic surveys presented in the Transport Assessment (DTA report Ref: RJM/AK/20428-04c TA).

The Transport Assessment is primarily concerned with the traffic impact on junction capacity & flow during peak periods, and surveys consisted of East & West Access automatic traffic counts, manual turning counts at the A3023/site access and the Brookside Road / Southmoor Lane junction, and U-Turn Counts at Woodbury Avenue & Langbrook Close. No AADT conversion factors are presented, and it is consequently unclear how the baseline traffic flows have been derived for the Air Quality Assessment.

The Air Quality (impact of development) Assessment is concerned with the change in traffic flows as a result of the development, meaning that the most critical factor is the development-related traffic growth, and its distribution on the local road network.

Flow figures are presented within the Air Quality Assessment for both 2020 'baseline growth' (Do Minimum, DM) and + 'baseline growth + development contribution' (Do Something, DS) scenario's. The report does not specifically identify individual road links - Figure 7 shows 'whole modelled network' only. This makes it very difficult to interrogate the conceptual traffic distribution model applied.

Interrogation of the model is important, as the traffic distribution underpins the Air Quality Assessment, and if the traffic model is flawed, the Air Quality assessment will reflect those flaws.

With reference to the DM & DS traffic flow scenarios presented in Table AII.2, the distribution model appears anomalous. Traffic reductions are anticipated under the DS scenario at *both* site accesses, consistent with an overall, systemic reduction in transport demand as a result of the development.

Taken at face value, this is entirely inconsistent with the DS scenario, which accounts for material traffic growth on all Langstone Road Links, A27 Westbound & All A27 slip roads as a *direct result of the development*. If the development reduces overall transport demand (of the

Langstone Tech Park, as an origin or destination), why then is there development-related traffic growth represented across almost the entire modelled local road network, other than at the site accesses & on the Harts Farm Way approach to the West Access?

This is sufficient to question the usefulness / reliability of the air quality assessment - certainly until conceptual basis for this apparently anomalous distribution is clarified.

It is not considered that the air quality assessment is sufficiently robust as to support a conclusion that a non-negligible/adverse development air-quality impact is unlikely. It must be acknowledged that the receptors modelled as R1 to R3 (Regents Court, The Limes) are arguably the most 'at risk' receptors in the Borough, in terms of likelihood of exceeding National Air Quality Strategy (NAQS) objectives, so any possibility of 'real world' adverse impact could materially increase the risk of triggering a Council duty to step in to manage local air quality.

Any adverse effect is unlikely to warrant an objection to the principle of development (given the theoretical consented use travel demand), however it might justify the enhancement of the sustainability credentials of the proposed buildings, a specific design response which aims to further limit the use of the East access (e.g. access road layout and signage), or a commitment to more ambitious travel plan targets.

I would recommend that clarification is sought on the traffic model underpinning the air quality assessment, as a starting point.

Transport Assessment

The study establishes that the site is operating at around 70% occupancy. It follows that the transport demand potential of the existing site use is elevated relative to the actual transport demand under present (baseline) conditions. It also follows that there is a critical difference between what is a significant change in 'real world' terms, and what represents a material change in planning terms.

The transport assessment essentially concludes a broadly neutral (actually slightly positive) development impact at the East Access relative to the 'existing potential demand'. This would correspond to an increased demand relative to current East Access transport demand, and it is worth noting that a successful development is likely to reduce the gap between 'theoretical' and 'actual' demand relative to the existing configuration of the site.

In planning terms however, it would seem conceptually impossible to conclude that a marginally reduced transport demand relative to the theoretical demand of the presently consented landuse could ever be deemed to be severe, such that the development could be considered to be contrary to policy. The focus should therefore be on whether there may be a 'sub-severe' real-world impact (i.e. relative to existing actual demand) which could significantly affect local air quality, and which might warrant consideration of mitigation measures.

For example, reaching junction saturation conditions during peak periods could precipitate disproportionate emissions impacts through interference with the free-flow of traffic on links & trips who's origin or destination is not the development site.

Transport Assessment presents peak period junction capacity assessments for the respective site access junctions, and of these, the Langstone Road (site East access) is of the greatest interest. The PICADY summary for the East access indicates that the southbound right-hand turn movement into the site is presently operating at well within it's design capacity under 'theoretical' AM peak conditions, at an RFC of 0.71 (c.f. a recommended <0.85). Under 100% occupancy, the RFC (AM peak) climbs to 0.89.

The Queue length survey presented would appear to offer a slightly less optimistic view of capacity, with the 15 minute segment AM peak queue (existing demand) of 18 vehicles (90m approx, relative to an available 85m stacking space in the right hand turn lane). The RFC for

the peak hour does not reflect the saturation of this lane, and it is considered that increased real-world demand at this junction will lead to an increased frequency of saturation of this turning lane in the AM peak, and will have a consequential impact upon lane 2 (southbound merging lane).

The Report identifies a similarly capacity issue at the East Access, with a current / baseline RFC of 0.7, a theoretical (100% occupancy, consented baseline) of 1.04, and a development scenario of 1.01 (over-capacity, but less so than consented maximum). This implies that much of the capacity problem will be restricted to the internal site access road, which has sufficient stacking space to accommodate waiting vehicles. It is also recognised that the problem could be 'self limiting' to a degree, in that vehicle leaving the site could choose to use the West access to avoid an outbound turning movement queue (and local congestion on Langstone Road which is likely to be the causative factor).

This is an interesting observation, as the Air Quality report returns a marginal adverse change in air quality at all modelled receptors other than those closest to the site access stacking capacity - indicating that this effect is not represented in the Air Quality model.

Other observations / comments may be briefly summarised as below;

- The relative accessibility of the site is agreed - access to a broad range of public transport services is assured by both the rail & bus stations being within walking distance, and pedestrian / cycle facilities being of good quality
- As a result of the site's structural accessibility, the framework travel plan is expected to have a good probability of success in shifting employee trips from single-occupancy private motor car trips to a range of more sustainable transport modes. It would be appropriate for the framework plan to set challenging mode-shift targets. It is considered that a -5% target falls short of challenging given the opportunities for sustainable travel to the site.
- The routing of HGV traffic via the West Access under the proposed construction traffic management plan (6.11.1 & 6.11.3) is agreed to be likely to be effective in minimise the air quality impacts of the development phase, and is therefore supported.
- The restriction of HGV traffic to the East Access is agreed to be likely to be effective in minimising the both the traffic & air quality impact of the new industrial development. It is understood that this will remove existing HGV trips which currently utilise this junction, and could in this sense represent a net positive impact. The mode of restriction is agreed to be likely to be successful/effective.
- The balance of parking and site access road layout changes are considered to be likely to maintain and support the broadly even split between the East & West Accesses.

I would conclude that it is plausible that the development will have a broadly neutral impact at it's access points to the local road network relative to the existing potential usage. In planning terms therefore it would be difficult to challenge the principal of development on this basis.

The observations on 'real world' traffic impact at the East access (described above) are however relevant to the consideration of Air Quality.

Air Quality (Mitigation)

The Air Quality Assessment makes reference to emerging policy under the Local Plan 2036, but likely refers to a previous draft, identifying E20 (current E22) which concerns the protection of future occupants of development and existing receptors from 'significant negative effects' resulting from development-related changes to air quality (increase in local air pollution).

The assessment does not consider policy E23 (air pollution), which seeks a mitigation of the emissions impacts of all development, irrespective of whether the NAQS objectives apply or not - this policy is about achieving incremental improvements in public health, by reducing personal exposures at all locations including workplace environments and within the general public realm.

The BREEAM assessment includes potential credits for air quality related sustainability features, but these are generally limited, and the development proposals do not achieve the BREEAM criteria for building heating NOx emissions. Credits are awarded in the pre-assessment for commitment to the undertaking of an LZC Energy feasibility study - but this does not amount to a commitment to implementing any LZC features for local generation, heating or cooling applications.

The Design and Access statement similarly does not provide a policy response to the emerging Local Plan 2036, and so does not consider a positive design response to the locally poor air in the vicinity of Langstone Road, or to the Infrastructure requirements to support a transition to electric vehicles. the BREEAM pre-assessment confirms that consideration of a % allocation for EV charging at proposed new parking bays is not to be considered further.

Whilst the Design and Access statement does identify opportunities for 'solar exposure and passive ventilation', there is little in the building or landscape design brief to elevate the sustainability credentials of the scheme in air quality terms. The scheme remains reliant on the emerging E(X) / and IN(X) policies carrying negligible weight at this stage.

The apparent anomaly in the baseline assumptions underpinning the air quality impact assessment could justify consideration of mitigation, and consideration of a design response to emerging policy could comprise a proportionate response to the magnitude of impact identified.

Until the fundamental questions around the Air Quality impact assessment are resolved, it is unclear what, if any, response should be sought by the local planning authority within the present policy environment.

Mr. Jonathan Driver
Environmental Control Officer