

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00562	Your Ref:	APP/18/00287
EH Case Officer Extn:	44 6677	Date:	26 April 2018
DC Case Officer:	Rachael McMurray		
DC Case Officer Extn:	44 6546		
Application Number:	APP/18/00287		
Site Address:	Former Council Depot, Harts Farm Way, Havant		
Proposed Development:	Phased development comprising the erection of 3No. warehouses (Class B2/B8) (two warehouse buildings to be erected in phase 1 and one warehouse building to be erected in phase 2) and associated parking and access from Hermitage Park.		

Observations / Comments:

I have read the following supporting information to this application; D&A Statement, Planning Statement, Utilities Statement / Strategy, Air Quality Statement, Ground Condition Report, Drainage Impact Assessment / Strategy, Transport Assessment, and the Framework Travel Plan.

It is noted that a number of the 'in principle' matters were dealt with at outline, and account has been taken of elements previously addressed.

Ground Condition Report

It is noted that the Site investigation fieldwork involved the installation of both Gas & Groundwater monitoring standpipes were installed as part of the investigation, but no new gas data or groundwater chemical analyses were taken (or presented). This is interesting, as the result is to essentially disregard the principal risk drivers for the site.

Soil results identify elevated TPH close to the former below-ground fuel tanks (approx. 1800 mg/kg), which is broadly consistent with previous investigations. The total PAH results are generally <75 mg/kg, all well below a human health generic assessment criteria (GAC) for commercial use. It has previously been accepted that residual contamination is unlikely to present a significant risk to the Brockhampton Stream (EA main river), though this conclusion was largely drawn on the basis of the assessment of hydraulic gradient and continuity between the perched groundwater at the site and the river channel.

The sampling strategy for the latest intrusive work was designed to be informative as regards Human Health risk, despite the Controlled Waters risk driver comprising Brockhampton Stream stream (on site) and underlying major aquifer, which is exploited nearby for the regional supply of potable water. The risk to the aquifer is particularly pertinent given the conclusions of the geotechnical sections of the report, which are drawn on the basis of a disregarded load-bearing (and skin-friction) contribution from the Made Ground, with further recommendations also disregarding the contribution of River Terrace Deposits as a margin of safety (to eliminate uncertainty).

It should be noted that plot 3 (also utilising piled foundations) adopted a bespoke grouped pile design to minimise pile depth and avoid risks to the chalk aquifer (and by extension, both short-term and chronic risks to the public water supply). It is considered that the adoption of a piled foundation to the specification suggested (i.e. terminating a minimum of 5.0m into competent chalk) should be accompanied by an appropriate piling risk assessment & method statement demonstrating how the risk of pathway creation (between residual contamination in soils and the chalk aquifer)-, and short term turbidity issues- is to be avoided. I am comfortable with this being dealt with by means of an appropriate condition, but would recommend that it has a 'prior to commencement' clause, and that Portsmouth Water Company be consulted on any related submissions.

The report identifies the potable supply pipework as being at risk, though the risk assignment appears to be concerned with damage to fabric of the building, and does not necessarily reflect the exposure risk by ingestion. Recommendations of the report do not go further than 'consideration [of these results] in materials selection', which is fine in principle, but given the potential health risk I would recommend that this is secured by suitable condition.

The report also recommends basic gas protection measures be incorporated within the building design, on the basis of one no. CS2 screening value derived from gas monitoring previously undertaken at the site (Soil Ltd. results). This value was based upon a max. CO2 value exceeding 15% by volume, >LOD CH4 (methane, at 0.1%), and a flow rate at 0.5 l/s at steady state. Spot monitoring of ground gas rarely captures worst case conditions, and so I would not dispute the potential for the build-up of asphyxiant or flammable/explosive gasses in service duct areas or person-entry inspection chambers. The buildings themselves are high volume, and especially given the ventilation standard proposed (1 AC/Hr), are considered to be inherently lower risk.

If we accept the recommendations of the report, which are not unreasonable given the available information, we by definition accept that the risks are unacceptable without mitigation, and that the site could in principle be adversely affected by contamination such that development without requirement for mitigation is contrary to local & national policy. On this basis, we should (therefore) seek both to secure the remedial measures proposed and to require appropriate verification.

In line with the above, bespoke conditions are recommended as follows:

Condition 1 (Implementation of Proposed Remedial Measures & Verification Reporting)

The development hereby permitted shall be carried out in accordance with the recommended Risk Mitigation measures outlined in section 10.1 of the Ridge Ground Condition Assessment Report Ref 5004378-RDG-XX-ST-DOC-C-0101 October 2017, unless otherwise agreed in writing by the Local Planning Authority. Any contamination encountered during development which is inconsistent with that characterised within the 5004378 report shall be reported to the Local Planning Authority, be appropriately assessed, and be treated, mitigated, removed, or encapsulated as circumstances dictate.

Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to- and approved in writing by- the Local Planning Authority. The report must demonstrate that selection of potable supply pipework is appropriate to mitigate the risk of supplies being tainted by residual hydrocarbons, that buildings (and enterable voids) are adequately protected from the risk of ground gas ingress, and must summarise (assessment &/or remedial) works required to address any unexpected contamination encountered during groundworks.

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], A degree of residual contamination is present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers, buildings and services.*

Condition 2 (Construction Risk Assessment)

Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the risks associated with proposed means of undertaking groundworks and construction shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

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

- 1) An assessment of the local geological succession, sufficient to determine whether saturated strata contiguous with the abstracted groundwater body falls within the likely vertical range of proposed excavations, foundations or other below ground structures.*
- 2) The result of an appropriate assessment of risks based upon 1) in relation to proposed construction depths, methods & materials, to consider both short-term turbidity and the likelihood of preferential vertical migration of residual contaminants from shallow soils. Where potentially unacceptable risks are identified, the assessment shall include a risk-based appraisal of construction method options and clearly defined proposals for mitigation of the identified risks.*
- 3) Contractors method statement(s) in accordance with mitigation proposals (2), and*
- 4) Where deemed necessary, a scheme to appropriately monitor the impact of construction activity upon groundwater and/or surface waters, including details in respect of necessary stakeholder liaison*

Reason: *A degree of residual contamination is known to exist at within soils at the site. The site overlies a 'major' aquifer, and land is comprised of soils with high leaching potential. The Source Protection Zone 1 for the Bedhampton & Havant Springs water supply lies within 250m of the site boundary, and Portsmouth Water Company has previously expressed concern regarding risks to the abstracted supply from Boring and Piling activities in this area. It should be demonstrated that the proposed construction methods will not result in any unacceptable adverse impacts upon controlled waters. The condition is imposed having due regard to Havant Borough Local Plan (Core Strategy) 2011 policy DM10 and the National Planning Policy Framework 2012.*

Drainage Impact Assessment & Drainage Strategy

I note that proposals for Surface Water disposal comprise one of two options, either discharge direct to the Brockhampton Stream via headwall constructed as part of Phase 1 access works, or to the existing Highway Drain at Harts Farm Way (likely discharging to the Brockhampton or Hermitage Stream, though no information is readily available to confirm). Both these water courses discharge to the Langstone Harbour around 550m downstream - benefitting from multiple habitat designations at the national and European level.

The drainage strategy does not demonstrate that pollutant interception and attenuation (retention) provisions are adequate. The CIRIA SUDS Manual (C753) simple index approach classes the development type (drained area) as Medium(-to-)High risk (depending upon tenure), as a result of staff parking areas and B8/B2 service yard sharing a paved surface.

I note that the LLFA has also highlighted this omission from the proposed scheme. Environmental Health agree that further information should be required to demonstrate that pollutants released at the surface will be prevented from passing downstream in unacceptable volume. This information should be obtained either prior to determination, or (given the relative routine nature of this as a design element) secured prior to commencement by means of a suitable condition. I would be comfortable with the adoption of either approach.

Transport Assessment

The transport assessment Concludes: "*Harts Farm Way falls well within the theoretical [traffic carrying-] capacity of the road, therefore it is considered that the development trips generated will not impact severely on the surrounding highway network*". I would broadly agree with this statement, especially as the baseline presented omits any assessment of the traffic associated with the prior landuse (depot), which (as a planning assessment) should in principle be discounted from the assessed impacts. The presented assessment represents a realistic assessment of the real-world impact, and in this regard is considered to be sufficiently robust for the purpose of considering the likely air quality impacts of associated vehicle trips. No adverse comment.

Framework Travel Plan

The implementation of a Workplace travel plan is considered to be a measure of direct relevance to mitigating the Air Quality impacts of the development, with relevant policy drivers under DM11 & DM12.

I note the proposed 10% target reduction for single occupancy PCU trips over 5 yrs, as well as the 3 yr. contingency if targets not met, and proposal for HCC oversight of plan delivery and efficacy. The plan proposes targeting increases in utilisation of car share / cycling increases, and I would agree that these would appear to offer the greatest opportunity for modal shift.

The report also proposes targeting recruitment to residents of the local area in order to maximise opportunities for sustainable travel modes and car sharing, and I would agree in principle that this is measure that is in principal likely to be effective. However, I note that the report does not make any firm provision or proposal for how this could be achieved without infringing on any aspect of employment / equality law.

Measures outlined in the text of section 7 are at times less specific than measures listed in Table 6, e.g. 7.5.1 which suggests the onus is on employees to be proactive in seeking to access car sharing schemes, whereas Table 6 requires that the Travel Plan Coordinator is to 'set up' (or presumably join an existing-) car sharing scheme. The mechanism for achieving a local recruitment bias is also notably missing from Table 6.

I note that operational (outbound & inbound goods, HGV trips) are omitted from the travel plan, but consider that rational logistical routing is likely to have such a strong natural bias toward Trunk Road access (and navigation to local destinations avoiding the congested town centre junctions) at the Western end of Harts Farm Way, as to render this omission negligible.

The principle of the travel plan is welcomed. The document will be enforceable (i.e. the impetus maintained to deliver the measures outlined) if the decision notice lists the Framework Travel Plan as an approved document in accordance with which the development is required to proceed. *I would recommend that the document is so listed on any favourable determination, and that any reference to it is made in sufficiently general terms as to permit the document to be a 'living' plan (as intended), whilst also committing the development to it's broad proposals. It will be important for accompanying legal agreements (e.g. s106) will need to make appropriate provisions to accommodate the plan, and any associated bond (in accordance with policy CS21) to facilitate Local Authority (Hampshire CC) monitoring & oversight of the travel plan to ensure that it's benefits are achieved.*

It is also recommended that the living document be updated at the earliest opportunity to clarify the mechanism for legally achieving a local recruitment bias, as this measure is likely to have the greatest impact if in place at the outset, as newly created roles are filled.

Air Quality Statement

It is acknowledged that phase 1 of the development will be impacted by the adjacent STOR (on the phase 2 area) should this go ahead. Whilst this is the case, in policy terms (DM10(2)) the air quality objectives relate to ambient levels at 'relevant' locations, which notably exclude places where workplace Health & Safety apply.

In this sense, the appropriate standard to apply to this development in consideration of DM10(2), if any, would probably be a workplace exposure standard from the EU "Scientific Committee on Occupational Exposure Limits" for Nitrogen Dioxide (SCOEL/SUM/53), around 1880 ug/m³ (15 min), notably far exceeded modelled concentrations associated with the consented STOR (phase 2a). Whilst section 6.1 of the Temple AQ statement refers to mitigation in the event that the phase 2a STOR is proceeded with, given the low sensitivity nature of the receptors, this is not considered to be material in planning terms under policy DM18.

I would agree the conclusion of the screening assessment under 5.1.1, that the net trip generation is not sufficient to be likely to have a material adverse impact on local air quality for the Phase 1 + 2b scenario. The odour risk assessment is similarly agreed, and no mitigation is considered to be necessary.

Mitigation referred to under the phase 1 + 2a scenario (at report section 7.2) is considered to be for the consideration of the applicant (and/or future tenants) under their workplace health & safety obligations.

I have no adverse comments to make as regards the air pollution impact of the development, or the exposure of new receptors (comprising the new development) to existing air pollution from existing or committed sources.

Mr. Jonathan Driver
Environmental Control Officer