

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00647	Your Ref:	APP/18/00071
EH Case Officer Extn:	44 6677	Date:	30 April 2018
DC Case Officer:	Rachael McMurray		
DC Case Officer Extn:	44 6546		
Application Number:	APP/18/00071		
Site Address:	Hermitage Park, Harts Farm Way, Havant, PO9 1FA		
Proposed Development:	Proposed new factory and wood chip store and associated works for B1, B2 and B8 use		

Observations / Comments:

I have read the following supporting information to this application; Statements relating to Design and layout, Flooding & Drainage, Transport Impact, Travel Plan, Sustainability Statement and Landscaping proposals (with a view to considering Air Quality), Ground Contamination / Ground Conditions & Foundations (including a review of related investigation documents to 2002, where available).

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.

The sections below contain conditions considered to be required, informatives relating to obligations under other legislation relating to activities described in the application, and provide recommendations as regards material elements of scheme which contribute to policy aims, in particular in relation to air quality.

Contamination / Ground Conditions:

Several trial holes associated with various phases of ground investigation coincide with the red-line area. These comprise 6 no. machine excavated Trial Pits, 3 no. Boreholes, and at least 1 no. surface water monitoring location. Logs are available for all holes, but chemical sampling data is limited- it is thought possible that the FES Ltd. Trial holes dating to 2002 may have been advanced under a brief of 'soil inspection and geotechnical testing' only.

In general, the available results show lower concentrations of residual contamination than found elsewhere within the wider outline area (OA), reflecting the less intensive industrial/commercial usage of this part of the site, and the natural groundwater flow direction (within perched / shallow water bodies) to the S or SW. There are a few features on this portion of the site which have not previously been sampled and which could in principle represent sources of localised contamination; however these features are low risk (relative others within the OA area), and are unlikely to be material within the context of the site setting / proposals.

On balance, it is considered that Contamination has been adequately considered previously, and that no further proactive assessment is necessary. It is however appropriate for works at

the site to proceed under a formalised watching brief for unexpected contamination (deposits of contaminated soils thought potentially significant, in areas of the site not previously physically inspected).

I would request the following condition be included on the decision notice for any positive determination of this application, in order to serve the provisions of Policy DM10(1), DM17, and NPPF para. 121;

Condition 1: (Contamination Watching Brief – Unexpected Contamination)

“In the event that suspected contamination (obviously contaminated soil / groundwater, or any buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement, shall include;

- 1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented as written report. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A. A statement confirming that no suspected contamination was identified during development, OR;*
- B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

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 within uninvestigated areas of the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future employees of the site or Controlled Waters”*

Construction Methods (Foundations):

It is noted that the anticipated means of providing support for the building is via 'isolated foundation bases' (assumed to refer to conventional pad &/or strip foundations isolated to avoid vibration propagation / transmission by means of compressible material), or upon unfavourable geotechnical results, a grouped pile solution as implemented at plot 3 to limit depth to around 6m below ground level (to terminate within river terrace gravels).

Both proposed approaches are acceptable within the context of the current understanding of the site in hydrogeological terms. As with plot 3 (&4), any penetrative foundation which terminates within the chalk risks creating short term turbidity problems which could in principle interfere with the public abstraction. The risk of intercepting an active Karstic feature increases with depth.

Whilst the contamination risk (level of known residual contamination present) at this plot is thought to be lower than for others, there remains a risk of creating a new preferential pathway for contaminants (whether originating at this site, or in the vicinity, and whether present now or released at a later date) to penetrate deeper into the chalk aquifer, and migrate to the public abstraction, affecting its quality.

Notwithstanding the reduced contamination risk relative to other plots within the OA area, given the apparent uncertainty as to the final foundation solution to be adopted, it is considered prudent to impose a suitable condition requiring an appropriate construction risk assessment for any foundations routinely terminating in the chalk unit

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.*

Note that adoption of the above wording would mean that adopting a foundation solution terminating within River Terrace Deposits (as envisaged) would be sufficient to meet the condition requirements, e.g. 1) "strata not coincident" and 2) "...therefore, no risk & no mitigation necessary", 3) "not required", 4) "not required". The wording is necessarily comprehensive in order to accommodate the full range of possible alternative solutions, and their varying degrees of complexity; and is intended to provide the applicant flexibility (subject to risk).

Surface Water Drainage / SuDS:

I note comments from both the LLFA and the Councils own engineer; both accepting the

principles of the proposals put forward, and confirming the probability of sufficient capacity within the granular river terrace deposits to efficiently convey surface water from the site to a nearby local watercourse (previous investigation confirms that the on-site watercourse, Brockhampton Stream, is typically hydraulically elevated relative to groundwater levels, so discharge to water course would be expected to be typically downstream of the site).

Notwithstanding comments from these consultees, I find inconsistencies (apparently conflicting proposals) within the various submitted documents relating to the drainage strategy, most notably relating to the drainage of the parking / yard area and the provision of pollution control measures. I do note that the LLFA has requested additional detail specifically relating to pollution control, with reference to CIRIA C753 (SuDS Manual), and that Southern Water has requested that drainage details be subject to conditional approval, and I would concur that these matters can be deferred to later approval, being a matter of detail and not either an 'in principle' issue, or issue likely to threaten deliverability of the scheme.

Principle of infiltration drainage strategy

The strategy of disposal of surface water to river terrace gravels via hydraulically contiguous (open bottomed) attenuation tanks is by definition reliant upon natural drainage, and as the LLFA note, will need to be supported by favourable soakage tests (assumed likely to be favourable at this stage). This proposed water input to the local secondary aquifer may serve to increase the existing rate (velocity & volume) of ground water flow at the site, and could exacerbate an existing driver to mobilisation of residual contaminants present within soils down-hydraulic gradient of the Plot 2. Whilst this is acknowledged as a risk, and whilst available results appear to confirm that contamination is already moving from the wider OA area via this mechanism, those prior assessments have equally concluded that the contaminant migration rate is probably tolerable / acceptable. There has been no requirement to limit infiltration rates elsewhere in the OA area, and as a degree of migration is already occurring, there is no in principle objection to infiltration as a primary means of disposal for surface water.

It is acknowledged that the system incorporates an overflow to the Brockhampton stream via a headwall - disposal of (pollution attenuated) surface water flows to this receiving water body has already been approved in principle, and is not controversial. This is especially the case given the peak volume attenuation (achieved by the tanks), and flow diversion (primary disposal to 'lower' controlled water body).

Pollutant Interception / Attenuation

Whether discharge is direct via the Brockhampton Stream, or via granular River Terrace deposits, the destination of surface waters from the SuDS system will be the Langstone Harbour. This water body benefits from multiple habitat designations at the national and European level, and is considered to be sensitive to any new pollutant inputs.

The drainage strategy does not demonstrate that pollutant interception and attenuation (retention) provisions are adequate for this landuse, or appropriate for an environment with ecological sensitivities. 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/finished surface.

Drawing 1802.03A shows this surface to be served by gully drainage discharging to the SuDS system via an appropriately sized bypass interceptor. 1802.20 indicates that the yard area is to be 'sealed' (consistent with 1802.03A, and the operation of an interceptor, as proposed), however the revised Flood Risk Assessment Proposal 4.(C) indicates that parking areas are to be 'uncapped and laid to gravel', being 'subject to the grounds natural drainage'. This latter proposal is inconsistent with the drawings and with the use of a bypass interceptor.

This would be unacceptable as a drainage strategy, as the drainage system would serve as a vector for surface pollution to enter the secondary aquifer (perhaps also the major aquifer, given the number of investigation features at the site and potential for a piled foundation solution).

Roofwater is shown (on 1802.03A) to be appropriately separated from the by-pass separator, with separate conveyance to the SuDS system. A percentage of roofwater is directed to trench soakaway at the northern boundary of the site in order to support screening planting, with overflow to the storm system & SuDS. Notwithstanding the Landscape objection to planting on a raised bund, this is acceptable in principal, however I note that the trench soakaway is adjacent to the Electricity Sub-Station (risk of transformer oil release) and the B2/B8 unit's plant area (structures other than the biomass boiler not specified, but potentially including tanks for liquid product).

1802.20 specifically denotes the hardstanding as 'permeable', depending on the nature of the permeable system, potentially meaning that little or no pollutant interception / attenuation / treatment capacity is available, and that the soakaway could act as a vector to efficiently transmit surface spillages to the shallow aquifer. It would be recommended to provide a physical barrier, or utilise impermeable surface & falls to prevent any surface releases from entering the infiltration drainage system.

Given that there is already a 'contaminant loading' within the groundwater, and given the sensitivity of the receiving environment; it is considered important that the adopted drainage be designed in such a way as to exclude pollutants from the groundwater body as far as is practicable.

Environmental Health support the conditional approval of a specific drainage system, as proposed by Southern Water. This condition would be supported by policy DM9 & DM10, and would allow the applicant time to address the LLFA's other concerns, as well as the elements discussed above. I would ask that this office be consulted on any details submitted pursuant to the discharge of that condition.

Transport, Travel, Landscaping, and Environmental Performance (Air Quality):

The transport assessment does not estimate the trip generation of the proposed development. For the purposes of this consultation, I have assumed that it will be broadly equivalent to that estimated for plot 4 (from the industry standard TRICS database; 24.136 trips / day / 100 sq.m). This returns a value in the region of 700 trips/day, <10% of estimated AADT on HFW. As for plot 4, wider road network access via A27 / Rusty-Cutter is favourable, and likely to lead to a natural preference for this route, which is notably absent of pollutant sensitive receptors.

It should be noted that the "10% existing flows" is a 'private motor car' (PCU) benchmark, and the figures available for estimation are on an 'all vehicle' basis (PCU + LDV + HDV). If >30% of these trips represented HGV, it could be argued that a specific air quality assessment should be required, however given the character of the area and the topography of the local road network; *I would be confident in concluding that the emissions impact would not be considered to be 'severe' at any location relevant to air quality objectives.*

The above conclusion relates to the need to assess the direct air quality impacts of traffic associated with the development (under industry standard guidance, and against ambient air quality objectives). Central policy and legislative guidance on air quality management is placing increasing importance upon the securing of incremental reductions in emissions in order to contribute toward general air quality improvements, with the onus upon Local Authorities for delivery. Local policies are in place to address this as part of the planning process, and irrespective of thresholds of impact being exceeded (or not) at sensitive locations - opportunities

to secure reductions in local emissions to air should be secured through the planning process wherever possible.

Several elements of the present application have relevance to air quality. The sections below make brief comment;

Travel Plan

In principle, the plan is supported. I note however that whilst the plan lists targets, the items listed are 'measures' (the means to achieve something), and does not set any goals per se (e.g. for a % modal shift from single occupancy car trips to sustainable modes, a target % journeys to/from work by means of modes of active travel, etc.). There is also no third party monitoring of the travel plan proposed, which (even if listed as an approved document) essentially gives it 'voluntary' status.

The baseline modal splits are reasonably good however, which given the travel plan coordinator is listed as the Company Director, I would interpret as likely to be a product of corporate culture.

I note that Highways has recommended formalising the arrangement. Transport Planning PPG requires a travel plan for developments resulting (or likely to result in) 'substantial' number of movements - as in the air quality consideration above, it is unclear that this is the case with these proposals, and I could conclude that there is probably insufficient justification to consider this issue material to planning (and to require it). For this reason, it is probably reasonable to accept the voluntary travel plan (as being a component of the development provisions being sufficient to satisfy DM11 & DM12), however (if deemed to weak a proposal) it could be formalised as a voluntary through the s106 agreement, with a small bond to Hampshire County Council for monitoring (justified under DM12), in order to ensure that the plan is as effective as it can be, and that it's successes are acknowledged.

Local Generation

The application makes provision for a local solar PV generation array sized to meet 15% of the development's energy consumption (energy requirement not defined). This provision is welcomed, and is considered compatible with policies CS14 & CS16(6,7), and important to secure as a measure which (given the location of this development adjacent to both an existing-, and a newly consented- STOR facility) will contribute to a reduction in local emissions, as well as supporting wider reductions by contributing the proportion of "emission free" power for "emissions free at point of use" technologies (such as electric vehicles & heating appliances).

Physical influence on Air Quality

It is noted that the felled vegetation at boundary with the A27 to be replaced by native hedge at a proposed height (notwithstanding the issue of the use of an earth bund) which currently stands at 3.0m. It is also noted that this hedgeline is to be interspersed with tree specimens as a landscape mitigation measure to soften the impact of the building.

Vegetated boundary treatments have been shown to be effective in the interception of road traffic related pollutants, stripping them from the atmosphere either through entrapment & wash-off (particulates), or through absorption and use in biological processes (nitrogen oxides, including NO₂). Some species are more effective than others, with available research pointing toward form and leaf density being more important than leaf texture and biochemical characteristics of the species (e.g. growth rates).

Hedging provides a dense, vertical 'green filter', and is an effective boundary treatment to help

remove pollutants associated with the A27 close to source (use is supported, maintenance at the greatest height practical for safe maintenance is also recommended to maximise it's air quality benefits). I note that the selected tree species have columnar form - I would recommend that a native spp. with spreading habit be selected in preference in order to promote pollutant interception.

Biomass Boiler

Biomass is recognised to be a low-carbon (potentially carbon-neutral) fuel, however it's use does represent elevated local emissions (relative to conventional fuelling by means of natural gas). In this way, biomass is compatible with policies relating to climate change and sustainability, but potentially contrary to the aim (described above) of achieving incremental emissions reductions for the improvement of local air quality.

It is also noted that the proposal is for the boiler to serve as an energy-from-waste facility, which recovers waste at point of generation and avoids emissions associated with transport and processing elsewhere. This activity is subject to waste management and environmental permitting exemptions U4 (chipping of wood for a specified purpose (including energy recovery)) & T6 (burning of waste for heat recovery), and the applicant will be required to register the process with the Environment Agency.

The operation of an energy from waste facility is not material issue - planning must assume parallel regimes will work effectively. In terms of air quality (local emissions), given the conclusion from air quality assessment for the recently consented STOR, this process is unlikely to be materially unacceptable - especially given it's other (balancing) sustainability credentials. On this basis, I have no adverse comment, but would recommend the following informative be included on any notice of favourable determination:

"Both the 'processing of waste wood for use as a fuel', and the 'burning of waste wood in an appliance for the purpose of heat recovery' are "exempt waste operations" for the purpose of regulation 4, and 5 (a) of The Environmental Permitting (England & Wales) Regulations 2016 (SI 1154), but are subject to the requirements of Schedule 2 of those regulations. The granting of this planning consent does not discharge the duties of the future operator of the biomass plant in respect of SI1154, and the operator must register the relevant activities with the Environment Agency prior to commissioning of the plant. Failure to do so may constitute an offence under s33(6) of the Environmental Protection Act 1990 (c.43)"

Mr. Jonathan Driver
Environmental Control Officer