HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	**Environmental Health**	**To:**	**Development Control**
Our Ref:	CONS/21/04323	**Your Ref:**	APP/21/00399
EH Case Officer Extn:	44 6677	**Date:**	22 November 2022

DC Case Officer: Jeff Sadler
DC Case Officer Extn: 44 ----
Application Number: APP/21/00399
Site Address: Waterloo Park, Elettra Avenue, Waterlooville
Proposed Development: Full application for erection of discount foodstore, drive through coffee shop and drive-through restaurant with associated car parking, service yard, landscaping, means of access and associated infrastructure **[Reconsultation]**

Observations / Comments:

This re-consultation has come to my attention as part of a filing exercise. I note that it has not yet been determined, and that comments made under the original consultation (June ’21) do not appear to have been added to the case – it is unclear if Development Management received the submission email. Original comments are appended for information.

It is understood that my colleague, Mark Moss, made a response in January ’22 in respect of noise / nuisance, and the control of construction impacts. I have briefly reviewed the reconsultation documents post-dating this, and will provide a very brief update to the original comments.

Highways issues, transport demand, sustainable travel (Air Quality)

The original consultation response expressed caution about the certainty of assumptions underpinning the air quality assessment.

In it’s comments, the Highways Authority also raised concerns about the site permeability, degree of connectivity for sustainable and active modes of travel, safety for pedestrians & cyclists, and optimising cycle parking provision to encourage use. Improvements in these areas would serve to support a shift in transport mode from private motor car to alternative means (active travel and other low- or zero-emission transport modes).

The Highways Authority has secured a significant package of scheme enhancements in these areas. These are considered to contribute positively to air quality objectives, and are supported. It would appear that the Highways Agency has also made comprehensive provision to secure these amendments, and as such I have no further comment or recommendations to make.

Landscaping (Air Quality)

I note that the Landscape Architect has sought augmentation of the soft landscaping scheme, and that the applicant has responded positively. The secured amendments/additions will serve to marginally improve the ecosystem (air quality, pollutant interception, adsorption and treatment-) services within the red line area, and the changes are therefore supported.

Surfacewater Drainage Strategy, SuDS

I had previously noted a marginal non-compliance with industry design guidance for pollution control, but had also identified an off-site feature that would serve to make up the marginal shortfall in water-treatment capacity. I note that the LLFA has agreed the scheme, and has not flagged this as a concern. I would concur, in line with comments below, and would raise no objection to the scheme as proposed.

Construction Emissions

The substance of comments on the submitted CEMP (appended) continue to apply. Mark has sought a CEMP condition which is focussed upon amenity & nuisance, lacking some of the references to environmental receptors that were included within the condition I suggested July of last year.

It is possible that other parties (in particular, Highways) may have also sought to secure a CEMP by condition, for other purposes. There is no need for multiple conditions, but there may be a need to consolidate requirements, to ensure that no specific issue is inadvertently excluded.

I am comfortable for condition wording to avoid being too restrictive, but I would recommend a reasonably comprehensive 'reason' to be given which includes reference to the risks to controlled waters, e.g. below;

Reason: *To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use- or safety- of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework 2019.*

This is particularly important for this location, as there has recently been a significant pollution incident originating within this drainage catchment, affecting wildlife at the downstream discharge location. Work to address that issue are ongoing, and the Sewerage Undertaker is looking for a party to either bear- or substantially contribute to- the costs of remedial works. It would be wise for the applicant to be capable of demonstrating a clear exclusion of liability for any ongoing pollution issues that might coincide with the construction phase of this scheme.

Contaminated Land

Comments appended continue to apply. I would recommend that the suggested (unexpected contamination) condition be applied to any positive determination of this application.

Mr. Jonathan Driver
Environmental Control Officer

[Appended; Our Ref: CONS/21/01985, 30/06/2021 (Comments on APP/21/00399, Air Quality, Construction Emissions, Surfacewater Management, Contamination)]

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	**Environmental Health**	**To:**	**Development Control**
Our Ref:	CONS/21/01985	**Your Ref:**	APP/21/00399
EH Case Officer Extn:		**Date:**	30 June 2021

DC Case Officer: Lewis Oliver
DC Case Officer Extn: 44 6263
Application Number: APP/21/00399
Site Address: Waterloo Park, Elettra Avenue, Waterlooville
Proposed Development: Full application for erection of discount foodstore, drive through coffee shop and drive-through restaurant with associated car parking, service yard, landscaping, means of access and associated infrastructure

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Observations / Comments:

Air Quality Assessment – Operational Phase Impact

The Air Quality Assessment considers a range of scenario's. The traffic scenario's described at Appendix D.3 refers to two scenario's under the same description, and tables 5-2 to 5-4 include a comparison of air quality modelling scenario's where one has no corresponding traffic scenario. It is assumed that the traffic table at D.3 includes a typographical error in the column header. For clarity, I have interpreted the scenario's to represent.

- Baseline scenario (2019) [BL],
- Do Minimum (no development, future baseline) (2023) [DM],
- Do Something (application development) plus Do Minimum (no development) within 2013 OA consent development red-line area [DS+DM],
- Do Minimum (application development) plus Do Something (obtain & implement anticipated 2018 OA consent-) within wider 2013 OA consent development red-line area. [DM+DS]
- Do Something (both application development, and obtain/implement 2018 OA consent) [DS+DS]

The assessment appears to ignore the balance of the 2013 outline consent, and instead considers the 2018 outline application scheme as if it were consented, as the traffic models have been accepted by the relevant consultees.

The development is anticipated to generate a significant number of vehicle trips, amounting to around 2750 one-way trips (total traffic, AADT), relative to the [DM] projected baseline scenario. By way of comparison, the 2018 outline application transport demand is 3737 on the same basis.

Comparing the DS+DS scenario with the DS+DM scenario ("2018 outline + APP/21/00399" compared with "2018 outline only"), there are differences in the distribution of traffic which amount to reduced link-impacts in some cases. The total net increase in traffic under the DS+DS scenario (i.e. at site entrance) is +963 vehicles on an AADT basis, expected to access the site almost exclusively via Hambledon Road South.

The difference between these scenario's doesn't present as an 'additive' transport demand as there is a significant offset of trips associated with 2018 outline application uses displaced by the APP/21/00399 scheme, alongside a proportion of linked, combined & diverted trips – the majority of diverted trips being from the existing food retail offering within the wider 2013 outline consent red-line area.

Under these scenario's, and following appropriate model adjustment against HBC monitoring data for the 2019 BL scenario, the assessment indicates that no modelled location would the air quality exceed 80% of the National Air Quality Standards, and that the maximum adverse change in air quality is +1.25%/+0.5%/+0.25% (NO_2/$PM_{2.5}$/PM_{10}).

These results are agreed not to represent significant impacts that would require specific mitigation (e.g. under emerging policy E23 c.), however I would stress that the assessment conclusions rely heavily on the assumed reduction in concentrations of pollutants over the 4 years between the baseline year (2019) and the opening year (2023), amounting to around a 6% year-on-year reduction in pollution concentrations, despite 1.25% year-on-year baseline traffic growth.

This strength of declining trend is not supported by available monitoring data, and relies upon future changes in fleet composition. It should be noted that the model predicted a baseline concentration at a residential property on Hambledon Road that amounted to >98% of the corresponding standard – representing a risk of breach of statutory air quality standards in the event that reductions in concentrations of Nitrogen Dioxide continues in line with past tends (and doesn't accelerate, as the report anticipates)

Air Quality – Emissions Offsetting & Related Policy

The Air Quality Assessment refers comprehensively to national-, adopted local- and emerging local- policy, including policy E23 (Air Quality). Whilst the wording of E23 a. (emissions offsetting) is acknowledged, the report does not address what might achieve an offset of emissions that is 'proportionate to the scale and nature of the development'.

The scheme itself is not devoid of relevant sustainability features. For example, I note that the landscaping scheme specifies around 50% of plants listed with a Urban Tree Air Quality (mitigation) score, and provides a good mix of high, medium & low rated species at a range of scales (tree / shrub / hedge). This planting will provide a degree of pollutant interception, absorption & capture. This is welcome, and may serve to offset the net reduction in soft landscaping at the site.

The BREEAM assessment complies with adopted, but not necessarily emerging policy, targeting a standard of 'Very Good'. Ene04 'low carbon design' points are not targeted – I am unclear why, as I would anticipate the described waste heat harvesting and heat recovery ventilation (HRV) systems as qualifying LZC technology.

From an Air Quality perspective, the omission of local combustion plant to meet the space & water heating demand of the principal unit, alongside the above-referenced HRV system (to be used at the food retail and at the hot food outlet), both contribute to the offsetting of operational phase development emissions. The Framework Travel plan is also presented as being contributory, although this is required by policy IN3, and the mode-shift targets presented are not particularly ambitious, applying to staff only. In terms of sustainable transport for staff, I also note that the proposed parking scheme does not include a policy response to emerging policy IN3 j (provision of workplace electric vehicle charging points).

Given the landscaping, heating & ventilation features, alongside the current status of policy E23 as 'not adopted, with material weight'; it is unlikely that an objection on grounds of insufficient emissions offsetting could be justified. I am concerned however that emissions in

this region of Waterlooville are approaching non-compliant levels, and ideally the sustainability credentials of the scheme would be enhanced.

In terms of opportunities for further emissions offsetting within the scheme, I note that the design & access statement lists a lack of overshadowing as an 'opportunity' (making the roof suitable for solar PV & direct solar), but does not propose to exploit this with an LZC provision. Incorporating a solar provision would improve the sustainability credentials, and provide a non-local (within district) offset of combustion emissions associated with power generation. Additional planting within parking areas with native UTAQS species, or provision of green roofs / walls / panels could further enhance pollutant interception, absorption & capture, providing direct local benefits.

Such measures may be relevant to detailed applications coming forward within the wider outline application area.

Air Quality – Construction-Phase Dust Emissions

Construction impacts are concluded to be between negligible and medium before mitigation, with earthworks phases representing the greatest potential for dust emission. Section 6.1 of the Air Quality Assessment lists appropriate construction-phase mitigation measures. The construction-phase dust soiling / air quality impacts are assessed to be negligible assuming that these measures area implemented.

The mitigation relies heavily upon the development of a 'dust management plan' and site inspections; some key measures are not included in the explicit provisions (e.g. site speed limit on haul routes, sheeting loads etc.)

Construction Environmental Management Plan (CEMP)

The submitted CEMP refers specifically to the provisions of the Stantech January 2020 Air Quality report. It is assumed that this includes the development of a dust management plan, and the implementation of physical dust monitoring during a pre-development baseline period, and throughout the construction phase.

All burning is to be prohibited at the site. These provisions are acceptable from a dust emission / soiling risk / air quality perspective.

The CEMP does not make any specific provision for the storage / handling of fuels at the site, nor on the protection of extant surface water drainage systems from excessive siltation, or receiving waters from excessive suspended soils (TSS), or indeed fuels and construction material in site runoff. There are similarly no specific provisions for routine inspection of the local surface water & balancing pond for issues with runoff that are not being proactively controlled through local strategic interception & retention (most surface water drainage at the site discharges to one or other of these receiving waters).

It may be appropriate to seek a formalised / expanded CEMP by means of a planning condition. It would be particularly justified in the event that the Environment Agency raises any concerns about pollution of watercourses, my highways colleagues raise concerns about construction traffic management or highway soiling, or my colleagues raise concerns about the provisions for noise and vibration. In the absence of any concerns being raised by other consultees, it may be more appropriate to omit the suggested condition (in reliance on NPPF paragraph 183).

Suggested wording below – this is a general condition and deliberately covers a range of construction-related matters that might be raised by other consultees (i.e. it seeks a 'good practice' CEMP, and is not limited to issues falling within the remit of Environmental Health);

[Condition 2] Construction/Environmental Management Plan (General, including controlled waters)

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall explicitly include the mitigation options presented in section 6.1 of the Stantech Air Quality Assessment Report Ref: 50641/3001 where these are proposed to be implemented. Where not otherwise covered by those proposals, the plan shall also include-;

(a) Procedures & logistics for managing deliveries or at or collections from the site, including the timing of haulage trips, the parking & loading of vehicles, provisions for materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel & other materials capable of causing harm to health or the environment
(b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site.
(c) Measures to ensure safe pedestrian movement on the public highway & footpaths
(d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste within the curtilage of the site, or from the site.
(e) The means of preventing track-out of mud & spoil on to the highway, and preventing runoff from the site adversely impacting the local surface water drainage network, or local surface waters.
(f) The means of minimising noise and vibration arising from construction processes, and/or mitigating the impact of noise & vibration on the occupiers of neighbouring land
(g) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: *To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use- or safety- of the public highway. This condition is imposed having due regard to policies DM10 & CS15 (Havant Borough Local Plan (Core Strategy) 2011), and the National Planning Policy Framework 2019.*

Drainage Strategy - Pollution

I note that the simple index method pollution potential / mitigation requirements are 0.7/0.6/0.7 (TSS/Metals/Hydrocarbons), and that the commercial yard / delivery areas are argued to have the same requirement the non-residential parking areas.

As far as I can tell, the indices achieve through the current strategy (as stated, accounting for the 0.5 factor for secondary & tertiary features) are 0.95/0.7/0.95, and 1.05/0.5/1.15. The latter is marginally short of the simple index requirement. I am unclear on the origin of indices quoted for the geo-cellular storage in particular – I have not found an equivalent or similar figure within C753. It is assumed that the indices quoted for the permatreat channel are manufacturer figures, representing a ‘proprietary treatment system’.

In terms of the marginal shortfall on metals interception / treatment; I note that the calculations to not account for the presence of the off-site settlement pond. It would appear that all site surface water will discharge to the Wallington North via this pond. Accounting for the pollutant interception and treatment service provided by the pond (++0.35/+0.35/+0.25) all pathway treatment trains would meet the required standard.

Assuming that the planning service is content to rely on this off-site infrastructure, I raise no objection to the SuDS scheme as proposed.

Contaminated Land

The Subadra Phase 1 Environmental Desk Study Report (Ref: In15371 CL 003b) does not present any new fieldwork, providing instead a review and summary of previous reports. All previous reports have been reviewed by Environmental Health in connection with prior applications.

The conclusions of the report are broadly in line with Environmental Health's prior review(s), and as such, are accepted. The report anticipates the observance of a watching brief, in lieu of improving the sampling resolution at the site (as the encountering of significant contamination is considered to be unlikely, and so additional investigative effort unjustified).

Given this, I would propose the following compliance-condition to manage the residual uncertainty in respect of ground conditions / contamination;

[Condition 2] Unexpected Contamination

"In the event that soil or groundwater is encountered during groundwork that is suspected of being contaminated (including discolouration, oils, sheens that are oily, metallic or brightly coloured, foul or solvent odours, or deposits & inclusions comprising obvious waste materials), or if groundwork staff report acute symptoms (skin, eye or respiratory) suspected of being related to soil quality; works in affected areas of the site shall cease until 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 reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) A site investigation in the vicinity of the suspected contamination, of a scale sufficient to characterise it's nature, and likely origin, extent & mobility

2) An appropriate assessment of the risks to all receptors that may be affected, including those off site.

3) Where the Risk Assessment (2) identifies potentially unacceptable risks, a Remediation Strategy that includes;

- *appropriately considered remedial objectives, and;*
- *clearly defined proposals for the remediation &/or mitigation of identified risks, having due regard to sustainability*

4) Where a remediation strategy (3) identifies actions required to remediate contamination or mitigate risks associated with the presence of contamination, a Verification Report that includes;

- *Photographic documentation of any relevant physical works, sampling/monitoring results, and any other technical or statistical information as may be required to demonstrate that Remediation Strategy objectives have been met, and where necessary;*
- *Further plans for monitoring, provision for maintenance of barriers or other structures required for remediation or risk mitigation, and any relevant trigger values and contingency actions as may be required to address the identified risks (a "long-term monitoring and maintenance plan").*

All assessments, works, monitoring & other actions required by (1)-(4) above shall be undertaken by competent persons, and the scheme 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); there is a low probability of the presence of Contamination associated with previous R&D activities at the site that could, if present, pose a significant risk to surface waters"

Jonathan Driver
Environmental Control Officer