

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/02540	Your Ref:	APP/22/00669
EH Case Officer Extn:	44 6677	Date:	27 February 2024
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/22/00669		
Site Address:	Land at Kingscroft Farm adjacent to Ridgway and, Marples Way, Havant		
Proposed Development:	Outline planning application with all matters reserved (except for access) for the development of up to 140 residential dwellings (C3 Use), with access from Meyrick Road, the provision of open space, landscaping and other associated works including demolition of existing buildings on site.		
	RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

Contaminated Land & Construction Risks

I have reviewed the submitted contamination risk assessments, comprising desk-based research, limited phase 2 intrusive site investigation and a short program of soil gas & groundwater monitoring. These reports are favourable in their findings, noting that the principle risks arise outside of the planning redline area, and primarily comprise risks associated with soil gas. Monitoring has not identified any results of concern.

Features not identified within the investigation/assessment include the use of the northern part of the development land for brick manufacture (combustion processes), and the line of an off-site linear feature which suggests that there may be an additional (abandoned) culvert parallel to the Hermitage Flood Relief channel, whose built-form may still be present within the planning red-line area (and may represent an additional physical constraint). Elevated PAH & TPH were identified in the one sample taken from within the brick field area (consistent with this use). It is possible that an in-filled trench-kiln may be present at the former brick field site which might represent a localised risk, and might require additional precautions to be taken in foundation construction (if found to be present, and depending on the nature of fill materials used to backfill).

I note the comments of Portsmouth Water Company with respect to piling risks – I have no objections to the imposition of a condition to address piling risks, but given the results of the ground investigation, these risks are considered likely to be limited to a risk to the abstracted water resource via induced turbidity, and not to arise from the mobilisation of existing contamination. A possible exception to this would be where in-filled trench-kiln(s) prove to be present in the northern area of the site.

As previously advised, I am content for Radon Risk to be addressed as a Building Control matter under controlled document C, in reliance upon the general liability established under NPPF 2023 para.190.

No objections arise. I would suggest however a compliance condition to cover the possibility of discovering a significant deposit of buried waste material in association with a trench-kiln, or a deposit of ash associated with brick production. In line with the recommendations of the desk-based study, the watching brief should also account for the (low) risk of encountering unexploded historic ordnance.

Condition 1 Contamination Watching Brief (General)

"Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (significant made soils, or any obviously contaminated, stained, discoloured or odourous soil/groundwater) or any significant buried waste material is encountered; 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 take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, 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 / Risk Management 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 in a written format. 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 written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.*

Reason: *Site investigation has identified that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site or to the local water environment. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 189-191 of the National Planning Policy Framework 2023."*

Air Quality – Development as Source

The Omnia Air Quality Assessment (C10559 Rev 1) accounts for a quantum of operational-phase travel demand which I would agree to be appropriate, potentially conservative. I also note that the traffic routing model has been agreed with the local highway authority, and I don't see any material reason to dispute the agreed weighting.

The report concludes that the development transport emissions are likely to result in a

negligible impact at key locations of representative-exposure, when benchmarked against the NO₂, PM₁₀ & PM_{2.5} statutory air quality objectives/limit values.

I would not challenge this conclusion, however; it is relevant that when the same significance criteria is used with the latest health advice, the impact significance would attract an impact significance descriptor up to 'Substantial' for NO₂ (due to development contribution relative to locally-high background levels) and 'Moderate' for PM₁₀ & PM_{2.5}. No modelled receptor attracts a 'Negligible' judgement against the health-based benchmark for NO₂.

PM_{2.5} would attract a significance descriptor of 'Moderate' at receptor R2 & R3 (only) when benchmarked against the UK 2040 air quality objective. All other receptors attract a 'Negligible' impact descriptor.

A review of the model verification information would suggest that the model is very good at predicting concentrations adjacent to routes where traffic is free-flowing, but relatively poor at locations where traffic is congested / slow moving, and/or subject to localised effects (e.g at buildings close to the kerbside). The overall output has been adjusted to account for under-predictions at these kinds of locations, but may still under-represent impact at certain locations. The location where this effect might be most significant is at Chapel House, adjacent to the West St. level-crossing (across which 44% of development traffic is expected to travel). This location has a 2.5 storey building close to the kerbside, with slow-moving or idling traffic, and the potential for disproportionate effects on the local highway network due to queuing & junction blocking.

As is apparent by the range of 'significance' judgements available, there is a disconnect between the statutory limits and objectives, and the latest health-based advice. Applicable policy refers to air quality and pollution (insofar as the impacts upon human health-) in various terms; in relation to air quality limits and statutory action levels, to health impacts, and more generally to supporting 'improvement' in line with exposure reduction targets. Arguably local policy is stricter in its wording ('health risk' focus), NPPF policy is more mixed.

There is a case for development giving rise to new emissions (or increasing exposures at existing receptors-) being considered contrary to the principles of (local policy DM10 and-) NPPF 2023 para's 123, 135 f) & 192, though attention needs to be paid to the specific wording when determining weight.

It is acknowledged that no breaches of statutory air quality limits or objectives are predicted to be likely to occur.

Air Quality – Mitigation of Development Emissions

The impact of the development is arguably non-negligible at some locations, and whilst not of a magnitude which would justify an objection to the principle of development, it does warrant consideration of what emissions offsetting measures could be secured to mitigate the contribution of the development to local emissions to air.

The report does consider the value of damage caused by additional transport emissions, but this is expressed as a pricing for NO_x and PM_{2.5} emissions only, apparently pricing the latter against PM₁₀ values. It is not clear why PM₁₀ values have not been priced directly, and it would appear to me that on reasonable assumptions about the particle size distribution within the PM₁₀ fraction (expected to comprise approximately 70% PM_{2.5}), the calculation probably under-values the 5-year damage cost by around £8,000 (~22%).

It is also notable that the report advocates allocating the emissions damage value to measures that are required to satisfy other policy goals, rather than to provide enhancements to these

measures, or to other enhancements to the sustainability credentials of the scheme. This somewhat devalues the process and is contrary to the intention of LP2036 draft policy E23. With reference to the Highways Authority consultation response, there are a number of improvements to the package of measures to support sustainable and active travel which could be sought to help both displace & offset development conventionally-fuelled vehicle trips, and in-so-doing, emissions. In particular, I note the request to give consideration to how the development could contribute to the aspiration to create a cycle connection between Solent Road and Harts Farm – allocation of the emissions damage cost to this project (for example) would be of benefit for air quality, and would be supported on air quality grounds.

Similarly, allocation of the value to improve the sustainability credentials of the proposed dwellings through design enhancements could be considered. Environmental Health would be able to provide suggestions if helpful.

Air Quality –Development as Receptor

The assessment identifies NO₂ concentrations within 5% of the statutory air quality limit value at the boundary of the development site, largely on the basis of A27 traffic & a conservative accounting for the impacts of local energy generation consents (not all built at time of writing). Whilst acceptable from a local air quality management (regulatory) perspective, the statutory limit value is 4 x the health-based guideline, the health impacts are non-threshold (i.e. are incremental, no 'safe' level), and the pollutant disperses fairly rapidly from source (primarily the A27).

There are no existing air-pollution-sensitive receptors within 50m of this section of the A27 within Havant Borough. Given the general principles of NPPF '23 123, 135 f), 180 & 191, it may be appropriate to seek a suitable 'buffer' between the kerbside of the A27 carriageway and the façade of the nearest residential building on this development site. The draft layout plan would suggest that the applicant intends to maintain a sensible buffer (25-40m), which would provide reasonable mitigation of exposures. I would not be comfortable with distances <25m in new development.

In contrast to NO₂, particulate pollutant concentrations (PM_{2.5} & PM₁₀) are more regional in nature, being driven by transboundary sources, coastal processes and strategic transport. Consequently, background estimates are generally very good at accounting for the principal sources, and levels would not be expected to deviate to a significant extent. Modelled concentrations accord with expectations, and are predicted to exceed background by just 5-15% (approx.) at the site boundary, although it should be noted that background concentrations of these pollutants are among the highest in the borough at this location, currently exceeding health-based guidelines and in the case of PM_{2.5}, not being predicted to fall below guideline levels in the foreseeable future. Given these characteristics, a distance buffer ('building line') would be less effective to reduce exposures to particulates than it would be for NO₂, but a planted landscape buffer can be effective in removing particulates from the air & reducing local concentrations.

The air quality report does not account for any specific industrial sources on the Marples Way/Ridgway, and it is relevant that the Council is currently considering a retrospective application at the Wartsila premises for an industrial dust extraction installation that is expected to act as a direct source of PM_{2.5} (see APP/23/00127), and which may be considered typical of industrial sources falling within the consented use class for these units. The positive pressure outlet flue for the Wartsila plant is oriented towards the boundary of this development, and is within about 35m of the façade of the dwellings shown on the draft layout plan. The applicant is expecting the ability to utilise the facility without restrictions (24hrs/day, 7 days/wk) as/when production demands dictate.

The associated air quality impact remains a little uncertain due to some modelling limitations, and because the modelling undertaken in support of the 23/00127 application did not consider receptors to the west of the Wartsila building. This notwithstanding, it is relevant that the proposed residential development at Kingscroft would, if implemented in line with the draft layout, represent the nearest pollution-sensitive receptors to the industrial source currently under application. In relative terms, the direct emissions from Wartsila (at source) are expected to fall within the range of 3-85g/hr PM_{2.5}, being broadly equivalent to between 1 & 29 domestic wood burning stoves (based upon the latest design approval emissions requirements for such appliances).

I note the comments of the Environmental Health consultee (noise) and the Landscape architect;

- *'...concerns ...due to it's close proximity to the A27 and to the existing industrial / commercial units. [there are no] operational time restrictions / conditions linked to the existing industrial and / or warehousing units, in Marples Way or Ridgeway.[...] Therefore, ...if this application were to receive approval, I would want to see all necessary mitigation measures that may be required for the above industrial units if operating on a 24 hour basis...'*

and;

- *'Mitigation through landscape interventions is required to reduce the impact of adjacent exiting infrastructure/development. We have concerns with the proximity to the A27 and industrial units and the site must be disconnected from these features through the use of significant landscape buffers and acoustic fencing.'*

It would serve the noise, landscaping, and air quality objectives to observe a significant landscape buffer on the southern and eastern boundaries of the site, retaining mature planting where possible (and including tall evergreens in the planting scheme where new planting is required), and installing tall acoustic fencing. As above, it is arguably contrary to DM10 & several NPPF policies to allow new residential dwellings close to these sources of air pollutants, and I would support the landscaping & noise requirements to assist in mitigating the exposure risks for new occupants associated with proximity to transport and industrial sources.

This could be picked up at the reserved matters stage, provided the planning service is satisfied that such a restriction would not adversely affect the development quantum for which outline consent is being sought under this application.

If a condition is necessary at the outline stage, please contact me to discuss scope & structure, and I will draft something.

Summary & policy overview

No in-principle objections arise on the basis of any exposures to pollutants being likely to arise that are unacceptable relative to statutory provisions for air quality or ground contamination.

The development land is however not ideally placed relative to existing transport and industrial sources of air pollutants, and exposures are likely to occur within the development to levels which exceed non-statutory health-based guidelines. In making a positive determination on this application, the LPA would be reliant upon the policy phrases 'unacceptable risk' and 'wherever possible' (NPPF 2023, para 180); as applied to the general principles outlined within the related national policy provisions (109, 123, 135 a)/f), 191 & 192), and to local policies DM10 (*'health... is not put at risk'*) & DM18 (*'significant negative affect'*). In the latter cases especially, we would be making the judgement that 'at risk' in DM10 and 'significant' in DM18 should both be interpreted to mean 'unacceptable risk', with 'unacceptable risk' being interpreted to mean a

breach of a statutory limit, or an adverse change attracting an IAQM magnitude descriptor of 'moderate' or higher when benchmarked against statutory limits.

Where NPPF policies refer to the policy aims of improving public health (109), safe & healthy living conditions (123), places that promote health & wellbeing (135), and taking into account the likely effects on health (191); it is reasonable to account for the health-based guidelines in seeking mitigation of both within-development exposures, and the contribution of the development to local air pollution levels.

Where NPPF policy refers to 'contributing towards compliance with relevant national objectives, and to seek opportunities to improve air quality (192), it is relevant to consider exposure reduction targets, and future average exposure objectives. Generally, I would expect it appropriate to consider these factors in terms of mitigation, rather than weighing in favour of a refusal.

It should be possible to address such matters at the reserved matters stage, and I would reiterate my prior advice to the applicant that;

- The intent of [air quality policy is] ...that emissions offsetting should be additional to the minimum requirements of related policies – i.e. that a holistic & joined up approach should be taken to the meeting of co-dependent environmental policies, but that 'direct double counting' should be avoided.
- it may ...be helpful to refer to the standardised methodology for calculating the value of emissions-related environmental harm which can account for building emissions, and it is typical for developments to allocate this 'value of harm' to investments in emissions offsetting features/measures.
- Developments should demonstrate with clear proposals how non-carbon* emissions-offsetting has been considered (*- albeit that co-offsetting of air pollutants alongside CO₂ is encouraged where feasible).

Conditions may however be required on the outline consent to secure the principles on the depth and form of landscape buffers to provide the required amenity/visual/noise/pollutant mitigations, and an in-principle objection might be supported where this would materially harm the deliverable quantum. I don't expect this to be the case, and I am relatively comfortable to defer consideration of the matters raised to the detailed design phase, which I would hope would account for the advice referred to above.

In a similar vein, it may not be appropriate to attach the contamination/hazard watching brief condition to the outline consent – but it would be good practice to attach this to the reserved matters consent. I am happy to defer to the opinion of the planning service in the use of conditions to meet the policy aims discussed above.

Mr. Jonathan Driver
Environmental Control Officer