

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/02279	Your Ref:	APP/23/00488
EH Case Officer Extn:	44 6677	Date:	21 June 2024
DC Case Officer:	Arleta Miszewska		
DC Case Officer Extn:	0 996		
Application Number:	APP/23/00488		
Site Address:	Land East Of, College Road, Purbrook, Waterlooville		
Proposed Development:	Application for mixed use residential development comprising 628 dwellings, community centre, allotments, public open space including play areas, new junction to College Road, related internal access road, footways and cycleways, pumping station and drainage basins.		

Observations / Comments:

Summary of Conclusions

No objections to the general principle of development, subject to limited-scope contamination conditions to address risks posed by known features in specific areas of the site.

The policy position of the Highways Authority is supported on Air Quality grounds in terms of the provision of suitable infrastructure to support the adoption of sustainable & active transport choices by both future residents and users of the nearby local highway & transport networks. That position implicitly amounts to a holding objection pending material amendments to the detailed design & specification of the development.

Whilst this position is supported, I am unable to materially reinforce that objection at this time on the basis of emerging air quality policy, given its present status. However, the recommendations are sound and have policy support within the NPPF '23, applying to decisions where the determination is in reliance upon para. 11.

The extent to which the development management service can seek the recommended enhancements will be a planning judgement, based upon the weighting applied to the respective bodies of adopted policy, and the weight that may be given the current emerging policy drafts.

A formal CEMP condition may be required (wording not proposed here), and amendments to the proposed contamination- & optional UXO- conditions may be necessary where the assumptions made in their drafting do not have precedent.

Prior comments

Material comments have been made against a similar previous scheme (APP/19/01101) on the subjects of ground contamination, potential for discoveries or ordnance, surfacewater drainage & pollution, air quality, sustainable transport and sustainability more generally. A number of the issues raised relate to the land & its context, and to the quantum of development; remain directly

applicable.

I will reproduce abridged text from those comments where applicable, but please refer to those comments (our ref: CONS/19/02594, dated 10/01/2020) for further detail (if needed).

Decision timeline & it's impact on Environmental Health comments

It is understood that Highways England has recommended a moratorium on determination until at least October 2024, as a continuation of a series of similar recommendations.

The impact of this proposed development upon existing air-pollution-sensitive receptors is principally a function of 2 factors, the first being the direct impact of new trips to the local road network made by personal/private modes of transport powered by a combustion engine or which otherwise contribute to particulate pollution through wearing of consumable materials, and the second being any disruption to the smooth flow of existing trips already on the local road network, leading to congestion, stop-start traffic & engine idling when queuing. Of these, the former is directly related to the quantum & housing mix and has a baseline that is well understood; the latter is dependent upon the functional capacity of existing road junctions, and is subject to the outcome of ongoing discussions between the highways authorities & the applicant which have in part led to the moratorium.

It is not possible to definitively comment on air quality (development as source) until a consensus is reached on where & how the transport demand represented by the development will affect the local road network.

This uncertainty is likely to be relevant for policies focussing upon health (as might be impacted by air pollution), and maintaining and improving the environment (with respect to long-term air pollution exposure reduction objectives). Where policies refer to compliance with air quality objective or limit values, these uncertainties are unlikely to be material as the impacts are likely to arise in areas where there are few relevant receptors.

Omnia Air Quality Impact Assessment C10785/AQA/1.2 (June '23) (the 'AQA'), General

With reference to Appendix II, I have been unable to reproduce the calculated road contribution NO_x using the stated background & measured values, using the same version of the NO_x to NO₂ calculator referenced in the report. The discrepancies appear to be too large to be related to the settings applied.

Table A1.3 values do not match those given in Graph 1, and consequently the adjustment factor (given by the slope of the regression) could be in error.

The report does not make clear how the adjustment factor has been applied, and consequently it is not possible to determine whether the above-referenced apparent errors have been transferred into the predicted environmental concentrations (the 'PEC's). Coupled with some of the other apparent errors (e.g. repeated values in Table 11), this undermines confidence in the values presented.

It may not be warranted to seek clarification of the report at this stage – however once the traffic demand rates, routing models, and junction modelling has been agreed with the respective highways authorities, it may appropriate to require a revised version of the AQA to account for any material differences in the network model, and to correct or explain the apparent anomalies in the model verification and adjustment.

Comments below are made on the assumption that the PEC's presented in the report body are correct, and that the representations in Appendix 2 are in error, which may or may not be the case.

Air Quality – development as receptor

Section 5.3.2 of the AQA predicts maximum concentrations at the boundary of the development at the assumed year of completion which are compliant with all current air quality objectives and limit values, inclusive of the 2028 interim target for PM2.5.

Environmental Health previously advised that the development should not adopt a building line relative to the running lane of the A3(M) that is closer than 30m (primarily to ensure adequate dispersion of NO2 emitted from traffic on the strategic road network and not to introduce new 'worst case' exposure on this road link). The general layout shows the building line adopted to be a minimum of 40m. Consequently, there are no concerns about a breach of statutory air quality standards as a result of the proposed development, as currently laid out.

PEC's for PM10, PM2.5 & NO2 all exceed their respective annual exposure guidelines (WHO, non-statutory), in the case of PM2.5 & NO2, by >200%. As previously noted, air quality impacts upon health are non-threshold, meaning that any reduction in exposure levels is expected to be associated with positive health outcomes, so the building line exceeding the minimum recommended is supported as being a positive feature for exposure reduction.

Air Quality – development as source

The AQA considers emissions associated with the emissions from the transport demand of the development, as new trips to the local road network. Buildings emissions and any changes to existing flows on the local road network (e.g. due to any disproportionate impact of increased congestion, for example) are ignored for these purposes.

PECs' at the assumed year of completion are compliant with all current air quality objectives and limit values, inclusive of the 2028 interim target for PM2.5.

In terms of the magnitude of any change in air quality at an existing pollutant-sensitive receptor, all results return a 'negligible' impact description. This is not disputed, and is a conclusion that is not particularly likely to be substantially altered by resolution of the general points above, based upon experience of the range of typical adjustment factors.

Re-benchmarking the impact assessment using the non-statutory WHO Air Quality Guidelines, results for existing receptors attract a maximum impact descriptor of 'moderate' for Particulate pollutants (PM2.5 & PM10), and 'substantial' for NO2. The IAQM guidance referred to within the AQA to determine the significance of impact does not specify which air quality assessment level (AQAL) to apply, and states that 'if the impact is greater than slight...the effect is considered to be significant'.

Given the non-statutory status of these health-based guidelines, these descriptors are insufficient to support an objection to the principal of development, but they do serve to highlight that there is an associated health impact which lends weight to the need to mitigate negative impacts under health-based policies, inclusive of those promoting the benefits of shifting transport modes from the motor car to sustainable and active travel modes.

I have reviewed the modelled receptor locations, and would highlight that in some of the locations included within the modelling exercise might not represent the existing pollution-sensitive receptor representing the 'worst case' exposure scenario. Similarly some receptors modelled might be subjected to the impacts of the development on the general function of the local road network – particularly those close to the Stakes Road/Crookhorn Lane Roundabout. These effects are currently uncertain, clearly under active debate (in the highways impact context), and are not accounted for within the current AQA.

PEC's might be expected to be marginally more adverse were the worst case location selected, though it is at present unclear to what extent, and whether it would materially change the impact judgment on the guideline basis.

It is not usual for an AQA to account for building emissions – I have referred to these to highlight their existence, and to highlight them as a legitimate target of source mitigation (see ‘other sustainability features’, below).

Air Quality – Sustainable Travel

It is understood that the local Highway Authority has raised a number of concerns, and requires substantive amendment to the scheme, some supporting documents and plans, and some related agreements.

The reason for these objections can be paraphrased as ‘the development design has not taken sufficiently into account the shift in transport policy from *‘provide for predicted travel patterns based upon current travel behaviours’* to *‘decide the desirable transport mode mix and provide the infrastructure to facilitate it’*’.

This is reflected in the Provisions of Hampshire’s LTP4 (Feb ’24) & TG10 (May ’23), the DfT’s LTN1/20 (July ’20), and TRICS ‘Decide and Provide’ guidance (Feb ’21).

Responding to these requirements (and the referenced guidance) may require material changes to the proposed layout, and may affect the overall quantum &/or housing mix. Clearly the highways authorities are actively and assertively addressing these issues, and there is a strong policy framework in place to justify those extant & outstanding challenges to the development specification.

I am content to defer to the expertise of the respective highways authorities – it suffices here to highlight that there is additional policy support within the NPPF on health grounds as mitigation to the impacts of additional air pollution. I would voice support for the comments & requirements of the local highway authority on these grounds.

Air Quality – Other sustainability features

I would acknowledge that the emerging policy E23 of the withdrawn submission draft LP2036 might presently be regarded to carry little, if any, weight at this time. However, owing to the strong support for it’s provisions within the current iteration of the NPPF the policy survives with just minor consequential amendments in the revised local plan as policy 41. From this point, it will carry some minimal weight as an emerging policy, but one which is expected to gain weight as the draft local plan progresses toward resubmission.

The AQA makes an attempt at addressing the emissions offsetting requirements of E23/41, but the provisions are weak, likely non-binding, and in any refer to requirements of other policy. The intention of the Air Quality policy was to enhance the effect of other policies, not simply to provide an additional justification for basic sustainability and transport requirements that already have strong policy support.

The prior advice continues to apply, as the development design philosophy takes a ‘fabric first’ approach, which in terms of building design is in practice appears to be a ‘fabric only’ approach that does not attempt to implement any combustion-avoidance or energy recovery technologies (passive or active), any LZC heating solutions, or local generation.

Given the scale of development, it is considered that there is room for improvement in the package for mitigation of the air quality impacts of the development in terms of;

- the new domestic emissions sources, and
- the sub-significant adverse changes to air quality such as those at locations where the air quality objectives don't apply - e.g. pedestrians, cyclists & other road users, or indeed the significant impacts arising from a deterioration of existing air quality that is material against health based criteria; which arises from both domestic sources and the new travel demand

Opportunities exist to achieve co-benefits as enhancements to the development specification against climate, energy, bio-diversity, health and transport policies (the latter two being pursued by the Highway Authority).

In respect of emerging policy, and especially in consideration of the nature and scale of the development, I would recommend that a design response be sought which affords consideration to these factors. Specifically, I would recommend;

- that the Air Quality appraisal damage cost guidance (DEFRA, 2023) be used to value the impact of emissions, and to use this as a baseline value for investment in air quality positive enhancements to the development design and specification that would exceed the minimum requirements of complementary/co-benefitting policy.
- a design response to E23/41 a) (emissions offsetting), for example in respect of domestic heating, cooking, ventilation, or solar-energy provision (etc.) - with due regard for related climate and energy policies, as 'product quality' enhancements.
- that consideration be given to improving the proposed planting mix, especially at the site boundaries & buffer areas, to include a greater proportion of native species with 'medium' & 'high' Urban Tree Air Quality index Scores (UTAQs, see woodland trust 2012), or selecting similar species with equivalent characteristics, and that;
- consideration be given to the provision of green property boundaries where possible, for their benefits to particulate interception.

Air Quality – Dust

The construction phase impact assessment is broadly agreed. Subject to the effective implementation of the mitigation measures outlined in Table 19, I would agree that the dust impact can be expected to be 'not-significant'. I would anticipate a CEMP condition being recommended by others – this is typically the case, and duplication of requirements is common. I've not suggested wording here to avoid any duplication, however I would highlight that whilst my nuisance and amenity colleague (Mark Moss) has provided advice on the content of a CEMP to ensure the appropriate management of construction activity, it was not framed as a formal condition.

Where a CEMP is required by others (e.g. highways), I would recommend that the condition wording is amended to accommodate Mark's requirements; and that an informative be included which makes Mark's recommendations explicit – substituting the wording at point d. with the following:

“Control measures for dust and other air-borne pollutants. It should advise as to what measures are to be put in place for the control of any dust that might emanate from the development site. Furthermore the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities, and the provisions of Table 19 of the Omnia Air Quality Impact Assessment C10785/AQA/1.2 (June '23). It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also to be kept damp at all times.”

Contamination

For the reasons articulated previously, on the assumption that it is acceptable to refer to the conclusions of a report that exists on the public planning record that was not submitted in support of the current application (where this is not the case, we would need to revise the wording to transfer the shorthand of referring to a prior report into a more descriptive/informative 'reason' for these conditions.

[Recommended Condition 1] Contamination (Bespoke– omitting EDS, based upon submitted EDS proposals) [1]

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. A proportionate intrusive site investigation to provide sufficient data and information to adequately identify & characterise any physical contamination associated with the likely areas of fill / made ground identified within the MACC International UXO non-intrusive survey ref: KW/4657/08r, dated 30/02/2017, to inform an appropriate assessment of the risks to all relevant receptors.*
- 2. The results of an appropriate risk assessment based upon (1), and (only) 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.*
- 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], Made Ground is present at the site which could pose a risk to future occupiers of the site.*

[Recommended Condition 2] - 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.

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], Made Ground is present at the site which could pose a risk to future occupiers of the site.*

[Recommended Condition 3] - Contamination Watching Brief

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any buried waste material is encountered (especially metallic objects which might comprise barrels, tanks, vehicles or ordnance), 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;

- Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,
- An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
- 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 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 policy DM10 of the Havant Borough Local Plan (Core Strategy) 201, DM17 of the Havant Borough Local Plan (Allocations) [2014] and the National Planning Policy Framework, Made Ground is present at the site which could pose a risk to future occupiers of the site, and there is an elevated risk of soil hazard posed by buried waste materials of military origin (UXO/UXB) that pose a risk to site construction workers or future occupants”

UXO

The EOD Contracts Ltd. Explosive Ordnance Desk Top Study ref 22521 (20/12/2022) draws similar conclusions, and makes similar recommendations to the 2017 MACC international report previously submitted.

As previously, it is unclear whether the recommendation to undertake similar clearance of development phases prior to commencement should be taken to constitute a proposal or not, and this lack of clarity is likely to mean that including the UXO reports in the list of approved documents would be insufficient to secure UXO clearance, and it is likely that a suitable condition will be required *if the Council considers it necessary to ensure greater protection than that which could be achieved by addressing this issue under the contamination conditions or which would be provided under construction site Health & Safety regulation.*

In reliance upon the same assumption and caveat as the ‘contamination’ section above; suggested wording is reproduced below;

[Optional condition 1] Mitigation of UXO & UXB Risk

“Reasonable efforts shall be made to physically confirm the status of all previously un-investigated anomalies identified within the MACC International report ref; KW/4917/16 dated 19/10/2017, in accordance with the recommendations of paragraphs 5.1 & 5.2.

Prior to the commencement of construction of any part of the development approved by this Planning Permission, a summary report which confirms the nature of the work and the actions taken upon any significant discoveries, shall be submitted to- and approved in writing by- the Local Planning Authority

If, during development, any suspected historic ordnance (small munitions [UXO], or bombs, [UXB]) is found to be present; no further development shall be undertaken until the object has been assessed by an appropriately qualified person, appropriate actions have been taken to remove or make safe the object, and the Local Planning Authority notified.

All groundworks contractors shall be informed of the elevated UXO/UXB risk, and shall maintain

appropriate vigilance & caution in respect of anthropogenic inclusions encountered during all relevant below-ground construction activities (e.g. excavations for foundations, installation of buried services & SUDS)”

Reason: *Site specific investigation has confirmed a medium/high UXO/UXB risk status at the site, and an item of UXO has been identified during preliminary work. Geophysical surveys have identified anomalies with estimated volumes / depths consistent with UXB. The purpose of this condition is to ensure that the potential associated risk to both groundwork personnel & future residents is appropriately managed, having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014]*

SuDS & Pollution Control

No material comments.

Mr. Jonathan Driver
Environmental Control Officer