

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/01113	Your Ref:	APP/21/00601
EH Case Officer Extn:	44 6677	Date:	13 October 2022
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/21/00601		
Site Address:	Land adjacent to Bosmere Medical Centre, Solent Road, Havant		
Proposed Development:	Proposed Portsmouth Water Headquarters building (Use Class E(g)(i) use) and new employment premises (Use Class B2/B8/E(g)(iii) use); widened access onto Solent Road; and associated access, car parking, landscaping and works; including the felling of 7No. trees the subject of TPO No.1801 in order to improve the access and allow for the development		

Observations / Comments:

I have reviewed the application documents and would like to make some brief comments on a variety of subjects – Ground Contamination / Geo-Environmental Risks, Transport Demand & Air Quality, SuDS, and control of short-term construction impacts.

Construction Environmental Management Plan (CEMP)

The submitted CEMP is notably brief. In respect of the control of pollution in site runoff, the document places great reliance on the requirement for the contractor to prevent contamination effecting the ground water table and nearby water courses by working 'in strict accordance with the EA Pollution Prevention Guidance Notes', which are listed, but not appended to the plan.

Where observed, working in accordance with the listed guidance would represent best practice, but it is not clear that copies will be required to be kept on site, or made available to staff & sub-contractors specifically, that there is a person specifically responsible for ensuring that staff and subcontractors are aware of the contents of these documents. Given this, it is difficult to see how it might be expected that works on site will proceed in strict accordance with these documents. This is an important issue given the sensitivity of ground & surface waters by virtue of their proximity to abstraction points for potable supply.

I appreciate that a CEMP is a live document. I would recommend that the document be amended to require that copies of the listed guidance be kept at the site, and that a specific person (or job role) be identified as being responsible for ensuring that the requirements of the guidance are communicated to all staff & sub-contractors, and are enforced during day-to-day activity. This issue is insufficient to sustain an objection, but it should be noted that for enforcement purposes, the principle of adherence to these documents will be taken as a given, and a benchmark for 'reasonable' when considering legal tests

Surfacewater Drainage, Pollution Controls

I have reviewed the Drainage Planning Strategy included within the I&L Consulting Ltd.

response to EA, Portsmouth Water and LLFA; and note the pollution control features represented by permeable surfaces and proprietary interception and containment units. The strategy appears to offer suitable degree of protection, and I have no objections to raise, or material comments to make.

Contamination / Geo-Environmental Risks

I have reviewed the Delta Simons Phase I/II Geo-Environmental Assessment Ref: 19-1058.01 March 2021.

The assessment results & conclusions are broadly agreed to be appropriate. On careful consideration of the ground gas results, I would consider that in concluding that the site corresponds to gas-risk characteristic situation 2 (CS2) the assessment has taken a conservative approach. I do not consider it to be necessary to impose a planning control in respect of managing the ground gas risk to the proposed structures.

The assessment has also adopted conservative generic screening values (GAC's) in respect of groundwater protection. This is for understandable reasons given the location – however it is worth noted that the GAC's with their origin in the WFD2015c are heavily caveated, and that alternative tests within the same instrument provide significantly greater alternative standards. This lends some confidence to the conclusion of the report that the noted exceedances of GAC are not material.

I have looked up contextual information from other ground investigations undertaken on nearby sites, and find that the information from these reports supports the conclusion (to disregard metallic contaminants in groundwater), rather than challenging it.

In general, the results & conclusions of the report are favourable. Perhaps of most material relevance is the reference to a need for a watching brief for dissolution features (at 6.10). I note that this is an issue that Portsmouth Water Company also raised within its consultation response, referring to stand-off zones or ground treatment.

I am unclear on how such a watching brief would work in practice – post-consent, the implementation of stand-off zones would likely represent a material change to the awarded consent (potentially requiring services to be diverted / re-routed, or buildings moved). The trial hole records display significant variability in depth to chalk, against a ground level that varies by only around 1m between extremes across the site. This is interpreted as a fault corridor, but given the very short lateral distances between differences of more than 8m (e.g. BH103 cf. TP104, 105 & 107, or BH104 cf. TP107 & 108), it is possible that the variability is evidence of collapsed solution features.

This is a geotechnical risk, and is not material to planning with respect to policy relating to ground contamination. I am merely raising a red-flag that it may be inadvisable to rely upon a watching brief to identify solution features, as positive identification may require a targeted geotechnical survey and specialist interpretation of results. It is unclear to me how a watching brief would provide certainty of absence, and I am concerned that the identification of a significant solution feature that could pose ongoing stability issues to the proposed buildings might in principle be material to planning insofar as requiring those buildings to be repositioned. If the authors (&/or Portsmouth Water) believe the presence of dissolution features to be a genuine material risk then I would expect this risk to be addressed prior to determination, whether through investigative / assessment, or through a foundation design capable of managing anticipated risks without the need for any amendments to the site layout. If the authors are satisfied that active features are unlikely to remain (trial hole logs suggest historic features), and that proposed foundations are unlikely to be compromised; then this becomes a building control matter that isn't material to planning. It might be worth seeking to confirm.

I would conclude that the 'unexpected contamination' condition proposed by Portsmouth Water ('condition 3') will be sufficient to manage residual uncertainty with respect to the chemical

quality of soils at the site. Use of this condition is supported, and I have no other recommendations to make in respect of contamination risk.

Transport Demand & Air Quality

Operational phase transport demand for the proposed development is estimated to be 818 trips on an AADT basis. All of these trips are assumed to be new to Solent Road, though a proportion of trips will already be present on the wider local road network, being diverted from Portsmouth Water's existing West Street Site. Trips associated with the proposed flexible use commercial buildings are assumed to be new to the local road network.

The Air Quality Assessment (at 5.1) concludes that +818 AADT is insignificant in air quality terms, based primarily upon predicted local background levels & local authority monitoring results returning values 'well within their relevant national air quality objectives'.

This high-level assessment accounts only for the statutory thresholds, and fails to account for proportional change, or the WHO exposure recommendations which notably benchmark health impacts at around 25% of the statutory limits.

EPUK & IAQM guidance 'planning for air quality' (v1.2, 2017) includes indicative criteria 'to proceed to an Air Quality Assessment' where there is expected to be a change of >+500 AADT. In line with above, it is expected that Solent Road will experience +818 AADT as a direct result of the proposals, amounting to approximately +10% current flows.

The agreed routing model assumes 46% traffic will route via East Solent Road, and anticipates 58% to route West via Solent Road. The closest critical receptor is at Brockhampton Lane, represented by local authority monitoring point 7B. This location currently exceeds WHO recommendations for annual mean NO₂ exposure by 150%, with the measured annual mean approximating the recommended 24hr mean limit.

The air quality assessment acknowledges LP2036 emerging (Amenity & Pollution) policy E22, and (Air Quality) policy E23, but makes no response, nor any recommendations, in respect of their requirements. It should be noted that the emerging local policies have their roots in the NPPF requirements, and may be taken to represent the Council's view of how the related NPPF policies should be met. As indicated above, the assessment makes a qualitative judgement only in respect of the operational phase impact, and does not seek to dismiss the need to consider air quality further on the grounds of any screening or health based criteria, nor upon grounds of a negligible magnitude of change being likely. I can't accept the conclusions of the report at face value, without considering these aspects.

Based upon the transport demand figures presented, Solent Road (East) will experience an increase of approximately +376 AADT, this is below the IAQM indicative criteria (interpreting 'elsewhere' to represent a specific road *link*, and not a specific *road*, otherwise we would be in exceedance). Solent road is subject to significant local congestion during peak periods, but flows are significantly different to the East & West of the Tesco Store access. There are few sensitive receptors, on this link, with the Brockhampton Lane properties being the most relevant. Sensitive receptors to the West are represented by residential properties which have a substantially greater offset to the kerbline, and by receptors on the Northern limb of Brockhampton Road, where offsets are only ~5m, but development impact is expected to be <+100 AADT. In contrast, Brockhampton Lane is <3m, and >+350 AADT.

The results of an air quality assessment, benchmarked in accordance with the IAQM & EPUK guidance against health criteria (as opposed to statutory limits) would likely result in a non-negligible magnitude of change (in ambient NO₂) at the sensitive receptor location. Benchmarked against the statutory limits only, the result would likely be in line with the submitted air quality assessment – the significant difference being that between what is said to be likely to materially impact health relative to that which is likely to risk a regulatory standard being breached.

The material planning question is whether the likely material change against a health benchmark is contrary to the principles of NPPF 2021 para 174 e) '[preventing new development from contributing to]... unacceptable levels of...air...pollution. Emerging policy E23 would have sought to ensure that the development should 'help to improve local environmental conditions such as air...quality', meaning that we could rephrase the material planning question to 'are the proposals to offset emissions (to air) sufficient to mitigate &/or offset the likely magnitude of development-related harms'.

Sustainability, climate & carbon, transport and parking are relevant to the question of emissions offsetting. I'll briefly cover these aspects below.

Design & Access-, Planning-, and Energy & Sustainability Statements, Framework Travel Plan (Air Quality Emissions Offsetting)

- Planning statement 6.79 refers to parking provision. I note that the proposed provision exceeds B8 requirements, but amounts to only approximately 80% of the B2 requirement (in accordance with 2016 SPD). The balance of flexible uses might mean that a <SPD allocation is achieved. Given the inherent sustainability of the location, a slight under-provision can be supported on air quality grounds, as it would apply a natural pressure on single person occupancy vehicle trips, and in so doing, support the sustainable & active transport trip targets of the travel plan. No objections.
- Planning statement 6.70, and Design & Access Statement section 6.0 both refer to the provision of EV charging point, and the framework travel plan mentions at 6.1.5 that the 'utilisation of EV charging points' will be monitored in order to judge whether the implementation would benefit from modification. Despite these references, the application does not appear to include any specific proposal. Emerging policy IN3 j) would have required 'an appropriate number' of spaces. NPPF para. 112 e) refers.
- The planning statement (6.39-6.41) addresses the BREEAM pre-assessment for the proposed development. I note that despite the headline sustainability features of the development, the pre-assessment score is at least 57%, with potential to achieve a maximum of 64.99%— remaining within the 'very good' category. This is compliant with the outdated core strategy policy, but falls short of the emerging plan aspiration (policy E12) for new commercial development to achieve BREEAM 'excellent' (>70%).
- The energy & sustainability statement table 6.2 provides an appraisal of LZC technologies, concluding several options to be 'not viable', whereas the justification for some would perhaps be better described as being 'undesirable' with respect to capital costs.
- It is however noted that Air-to-Air reversible ASHP's are being proposed to serve space heating requirements, and it is proposed to configure the system to provide internal heat reclaim (to serve an MVHR function – uniquely available to air-to-air devices).
- It is also noted that an 15.5 KWp solar PV array is proposed
- The remainder of the sustainability features fall under the 'fabric first' strategy, with natural light to be delivered by 15% rooflight coverage, and cooling demand to be managed through building design, selection of reflective colours & materials, and an enhanced insulation specification (improvement upon L2A requirements by at least +25% in relevant elements, with building modelling confirming that no occupied space is subjected to 'excessive' solar gain).
- The framework travel plan targets a fairly standard 10% mode-shift from single person occupancy vehicle trips, biased predominantly toward public transport modes (+4%). The framework plan is vague on compliance benchmarking (e.g. not specifying a minimum survey response level, acceptable margins of error, or contingency methods for demonstrating modal share). The plan notably omits several sensible proactive measures, and is non-specific on remedial actions that are considered to be available in the event that performance targets are missed. Section 1.2.1 implies that there is no

agreement in place for Hampshire County Council (or another body) to independently monitor the plan.

It does not appear that the NPPF provisions for energy, sustainability and climate (e.g. at para's 152, 157) are particularly strong insofar as they directly relate to proposed development, probably in practice falling short of the emerging policy requirements seeking an excellent BREEAM rating. On the assumption that this development is being determined substantially under the presumption in favour of sustainable development, it is unlikely to be justifiable to regard E12 as carrying full weight.

It would however seem to be justifiable in planning terms to either seek to confirm (prior to determination) the proposed allocation of EV charging facilities at proposed parking spaces, alongside the anticipated means of modification (in response to utilisation monitoring), or alternatively, to seek to secure by condition the agreement of the same, to be implemented prior to occupation.

I would anticipate an initial parking space allocation to be provided as operational EV charge points as part of the development, and a 'contingency' allocation of spaces to benefit from minimum preparatory works to facilitate easy-installation of EV charging points in future (e.g. in response to high levels of uptake, as the fleet proportion of EV's increases). Preparatory works should include reasonable redundant capacity at substations and electrical distribution points so as to accommodate the power demands of future EV charging points (e.g. at least the number of 'minimally prepared' spaces). It is assumed that EV charging for delivery/fleet vehicles would be an operational matter, to be encouraged, but ultimately a matter for unit occupiers to implement on the basis of business need.

In respect of transport, given the relatively basic framework travel plan submitted, I would also suggest that confirmation of independent oversight of progress against the plan is to be put in place. In the absence of this, I would suggest that the plan be enhanced to both reflect & leverage the inherent transport-sustainability-potential of the development location. This is important as the framework plan will inform the design & provisions of the unit/occupier specific plans.

In consideration of the policy context, and the number of air-quality-sensitive receptors likely to be affected by the increased transport-related emissions associated with this development, and subject to the clarifications/enhancements suggested above; I would consider it to be both reasonable & proportionate to accept the above-referenced proposals to represent sufficient emissions offset of development emissions (transport and buildings) to satisfy the NPPF requirements (as expressed in emerging policy E23).

No objections arise with respect to the principle of development. Proposals are generally supported, but some minor enhancements / assurances are recommended to be sought as planning matters, justified based upon transport, low carbon, sustainability and air quality policies of the NPPF.

Mr. Jonathan Driver
Environmental Control Officer