

**HAVANT BOROUGH COUNCIL**  
**Town & Country Planning Act 1990**  
**Consultation on Planning Application**

**MEMORANDUM**

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|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| <b>From:</b>                 | <b>Environmental Health</b>                                                                                                                                                                                                                                                           | <b>To:</b>       | <b>Development Control</b> |
| <b>Our Ref:</b>              | CONS/22/00632                                                                                                                                                                                                                                                                         | <b>Your Ref:</b> | APP/22/00172               |
| <b>EH Case Officer Extn:</b> | 44 6677                                                                                                                                                                                                                                                                               | <b>Date:</b>     | 13 July 2022               |
| <b>DC Case Officer:</b>      | David Eaves                                                                                                                                                                                                                                                                           |                  |                            |
| <b>DC Case Officer Extn:</b> | 44 6549                                                                                                                                                                                                                                                                               |                  |                            |
| <b>Application Number:</b>   | APP/22/00172                                                                                                                                                                                                                                                                          |                  |                            |
| <b>Site Address:</b>         | Langstone Technology Park, 2B Langstone Road, Havant, PO9 1SA                                                                                                                                                                                                                         |                  |                            |
| <b>Proposed Development:</b> | Outline Planning Application for Phased demolition of existing buildings and the erection of new flexible use employment floorspace (Use Classes E(g)(i)-(iii)/B2/B8) and ancillary uses (Use Classes E(b), E(d) and E(f)); and associated works. All matters reserved except Access. |                  |                            |

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**Observations / Comments:**

I have now had opportunity to review the application and it's supporting documents. I have also reviewed the planning history of the site to inform context, inclusive of previously submitted transport, air quality and contamination assessments. I have also accounted for prior comments made by Environmental Health in connection with recent applications & requests for pre-application advice.

For completeness, I would like to provide comments across a broad range of policy areas insofar as these are related to Air Quality, Pollution & Contamination.

*Ground Contamination*

A search of records has highlighted the existence of 13 prior contamination assessment reports for which the council holds at least a partial copy. These assessments comprise either intrusive investigations, environmental sampling, qualitative risk assessments, or desk-based assessment / appraisal reports.

In addition, there is one approved remediation method statement (RMS) relating to the phase 1 development area (APP/19/00703, as modified by APP/21/00405), and one subsequent Soil Gas Technical Note relating to the same area. The latter is seeking an amendment to the recommendations of the approved RMS.

It is understood that a further 8 reports have previously been compiled, predominantly dating between 1993 & 2004, however the Council does not hold electronic copies of these reports.

The most recent Baynham Meikle Land Quality Assessment (13023/AB/LQA) recommends further works within specific areas of the site which have either largely been completed & reported within-, or are governed by the recommendations of- previously submitted Clancy documents (10/1425/004 & .../005). Both of these Clancy documents pre-date the LQA report. The LQA does not make any specific recommendations in respect of other phases of development, nor does it make a specific case for the dismissal of risks on the basis of prior investigations &/or the previously approved remedial works. It is not clear that the conclusions of

the Baynham Meikle LQA Conclusions directly align with the interpretation given at 6.54 of the Barton Willmore Planning Statement.

Given the assessment / investigatory effort previously expended, I was initially reluctant to impose further requirements upon development. However, I note that few of the above-referenced reports relate to the entirety of the technology park site, and those that do incorporate the whole site within the study-area actually cover a significantly larger footprint, meaning that few datapoints are available within curtilage of the technology park site. Of the reports that relate to specific areas of the site, few reports seek to consider the site holistically, generally focussing the assessment (if not the investigation area) upon the planning red-line area to which the relevant condition relates (e.g. APP/21/00405, Phase 1 area). The spatial scope & resolution of investigations is limited by the presence of existing units & tenancies, and the scope of analysis / assessment is limited by the policy drivers for the investigation (namely the area to which applicable conditions have effect). Given this, there remains scope for contamination assessment to be both relevant and proportionate in respect of a comprehensive redevelopment of the site, as proposed under this outline application.

I would refer you to APP/21/00405 CONS/21/02661 (26/08/2021) & CONS/21/04159 (15/02/2022) for detailed technical comment on the risks identified in the recent reporting. The following extract is possibly of greatest relevance;

*“Whilst problematic to the comprehensive wholistic assessment of contamination at the business park, it is acknowledged that the redline area is a constraint which necessarily impacts what may be regarded to be material to the application & effect of planning policy, and that it is not possible to directly address the uncertainty as to the source of the identified [ground-]water contamination [at WS9 & BH5, phase 2 area] under the scope of condition 9 [to APP/21/00405]”*

This extract is indicative of there being a degree of residual concern in respect of the principal risk driver for the site (controlled waters receptors), identifying both dissolved phase PAH & TPH within perched groundwater of the secondary aquifer close to a local surface water which may be in continuity. Prior risk assessments have not sought to dismiss these groundwater results as being of negligible significance, and the source of the identified contaminants has not been captured within the detailed phase 1 works (which would suggest identified soil sources are not related to the WS9 & BH5 results). On this basis, it remains likely that a source of contamination remains within un-investigated areas of the site, and there remains credible potential for this source to be material in terms of risk to the controlled waters.

As a secondary risk-driver; Human Health standards to apply to commercial occupants, and the site is- (and the extant buildings are-) sufficiently large as to leave room for a region of contamination to exist in an localised area of the site that could be considered to be significant to either future occupants/employees/contractors in localised areas of the site, or to the building/proposed buildings, or to connected services (especially potable water supplies).

There are therefore two reasons to impose development conditions relating to the assessment & remediation of soil contaminants,

- 1) To dismiss (or make acceptable-) the risk to controlled waters receptors, comprising the aquifers underlying the site and the local surface waters in the vicinity, in particular the ‘Mill Stream’ segment of the Lavant, and;
- 2) To dismiss (or make acceptable-) the risk to the development itself & the future occupants of the land.

Addressing the controlled waters risk (1) need not necessarily impose requirements upon all phases of development; once the risk is dismissed as negligible, or the conceptual model is defined and a remediation plan is in place to reduce the risk to an acceptable level, there would be no need to consider this in future phases.

The human health or buildings risk (2) is relevant to all phases, but is likely to be subject to a

relatively high risk benchmark, such that it may be possible to address this aspect through a comprehensive & robust watching brief (for example).

In terms of approach, the controlled waters risk means that it is probably most robust in planning terms to seek to impose a comprehensive contamination condition on all future phases (i.e. excluding access), but to acknowledge that the requirements for future phases could be addressed within works seeking to discharge obligations in earlier phases. It is not my intention to seek to repeat work in all phases simply for administrative purposes – the aim is to address the risks posed by the site, and the effect of the conditions (and their administration across the development phasing-) should reflect that aim.

On that basis; no in-principle objection arises, subject to the imposition of the following conditions (intended to be applied as B conditions, for discharge as part of a reserved matters application, or to be replicated as a condition of future phase-specific consents for discharge under separate application):

### **Contamination (Modified – omitting EDS) [B.1]**

*Prior to the commencement of any specific phase of development hereby approved (other than any site clearance, demolition of above-ground structures, or consequential works for the purpose of ensuring structural stability of retained construction-), 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 unless specifically excluded in writing by the Local Planning Authority, shall include;*

- 1) Site investigation appropriate to both the previous & approved uses of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.*
- 2) The results of an appropriate risk assessment based upon (1), and 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:** *To ensure that the development does not contribute to-, is not put at unacceptable risk from- nor is adversely affected by-, unacceptable levels of contamination. This condition is in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Prior investigations suggest that soil contamination may be present within previously un-investigated areas of the site that could pose a risk to controlled waters, buildings & services, and/or future occupants"*

## **Verification (Standard) [B.2]**

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [B.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. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers, and contingency actions (a “long-term monitoring and maintenance plan”).*

*The long-term monitoring and maintenance plan shall be implemented as approved.*

**Reason:** *To ensure that the development does not contribute to-, is not put at unacceptable risk from- nor is adversely affected by-, unacceptable levels of contamination. This condition is in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Prior investigations suggest that soil contamination may be present within previously un-investigated areas of the site that could pose a risk to controlled waters, buildings & services, and/or future occupants"*

## **Informative – Guide to scope of required Site Investigation**

*"Conditions numbered [1] & [2] omit any strict requirement for a desk-based assessment. This omission in the interests of flexibility, and to avoid any requirement for repetition of assessment work within subsequent development phases. However, given the scale of buildings to be demolished, the design of the required intrusive investigations may be helpfully informed by the existing body of investigatory work, alongside a phase-specific site walkover/building inspection prior to demolition, & research into previous business operations. It is also recommended that phase-specific risk assessments consider relevant results from previous investigations, where these might be material to the site conceptual model &/or any specific source-pathway-target linkage (whether or not those results fall within the red-line area for that phase). The Council does not expect repetition of work in future phases where risks to common receptors have been adequately addressed in prior development phases – it will be acceptable to refer to previously approved documentation in support of discharging reserved matters conditions. This may apply to both investigation & assessment reports, or to remediation & risk mitigation provisions"*

## **Air Quality; Development as Source – Impacts from Transport (Air Quality Assessment, Transport Assessment & Technical Note)**

The Phlorum Air Quality Assessment (11042.S.v1) has accounted for pre-application advice and has been based upon the overall traffic uplift relative the existing levels of occupancy, rather than limiting it's scope to the assessment of the net uplift between the theoretical generation of the current consented use relative to the future proposed use. In this way, the assessment is representative of the actual possible change relative to existing air quality, representing best practice.

The baseline traffic figures are consistent across the road links modelled, based upon an assumed 53/47% West/East access utilisation, and 2011 travel-to-work census data (informing route allocation). The development uplift is expected to be 2659 AADT (approx. 5% HDV) based upon a moderate emissions worst case use-class allocation. These baseline assumptions are agreed to be reasonable.

The model has been appropriately validated against local monitoring data, and was found to be under-estimating environmental concentrations, and has been adjusted accordingly.

Receptors within Portsmouth City area have been included within the assessment, based upon conservative assumptions. It is not entirely clear why Portsmouth area receptors have been included within the model, where local residential receptors on Brookside Road (adjacent to the site West access) have been excluded from the model.

The results have been compared to industry guidance (IAQM/EPUK) that pre-dates recent changes in WHO health-based advice; concluding negligible impacts with  $<+1\%$  relative change at all modelled receptors when benchmarked against the current air quality standards. However, NPPF policies are not specifically linked to the current air quality standards, and are instead defined either in relative terms, in terms that are linked to public health. In this respect, it is relevant to refer to the WHO advice for context.

Re-benchmarking the model results against WHO advice (using the IAQM/EPUK significance matrix) results in a maximum relative-change of 'Substantial' for  $\text{NO}_2$  ( $+3\%$ ), borderline 'Moderate/Substantial' for  $\text{PM}_{2.5}$  ( $+2\%$ ) and 'Moderate' for  $\text{PM}_{10}$  ( $<+1\%$ ). The elevated relative % change is the result of a lower benchmark, and the increased assessed magnitude of impact is principally driven by the baseline conditions being substantially in-excess of the WHO recommended exposures under the 'no development' scenario.

I have used the results of the submitted report to (very roughly) approximate the likely relative impact at the omitted Brookside Road receptors. I would estimate that the model would return a value for  $\text{NO}_2$  of around  $+0.75\%$  of current air quality standards, at a baseline concentration within the 76-94% range ('Negligible' under IAQM benchmarked against the current air quality standards). Against WHO recommendations, the relative change would be around  $+3\%$  at  $>110\%$ , representing a substantial relative change, for the same reasons as above.

There is a lack of clarity as to the weight that should be given to WHO recommended exposure limits – it must be acknowledged that the WHO limits do not account for either the cost or feasibility of meeting the limits, and that the government has not yet confirmed whether the WHO  $\text{PM}_{2.5}$  limit will be adopted (as expected) under the statutory instruments required to be made under the Environment Act '21. It remains unclear whether any further pollutants will be included within the discretionary instruments which may be made under the Environment Act '21. The comparison above does however serve to highlight the mis-alignment of statutory limits with the most recent public health advice, alongside the importance of achieving net emissions reduction (environmental / air-quality betterment-) under the relative & health based NPPF policies. I think that it is appropriate to pursue the aim of emissions mitigation/offsetting in preference to the restriction of development.

I have reviewed the Transport Assessment & Technical Note, with a particular interest in the use of barriers to prevent peak hours rat running, and the junction monitoring/modelling to consider the potential for network effects that could have disproportionate impact on existing traffic & transport emissions. The transport technical note presents a junction peak-hours turning count for the Brookside Rd. roundabout only – further locations on Langstone Road are highlighted on a supplied plan, implying that surveys have been undertaken, however the data has not been presented. Junction modelling provides no cause for concern, but again, only the Brookside Road roundabout has been considered in this most recent assessment.

The DTA Transport Assessment (RJM/AK/20428-04c TA, 2019) Included an assessment for an overall site transport demand within  $-5\%$  of the total site transport demand represented by the current proposals, and RFC's  $>1\%$  (i.e. junction operating over-capacity-) were only noted on the site access road (and not on the local strategic road network). Right turn from A3023 Langstone was above ideal levels (RFC 0.85), and would therefore be perceived to be congested during the AM peak (only). It is understood that the Langstone Access barrier system would operate during peak AM hours only, and this should both improve the identified issue, and serve as a meaningful mitigation of the impact of the development access on air quality.

I have considered the impact of rat running traffic at other times of day, and on balance, traffic taking advantage of this route might actually displace emissions from-, and reduce congestion at-

other busy town centre locations (e.g. Park Road South/Solent Road), and may have a positive impact on the air quality in those locations. In this way, it may be preferable to permit public through-traffic, rather than seeking to exclude it at all times. I acknowledge the arrangements outlined within the transport technical note, and consider that the barrier proposals represent a good solution on balance.

No objections arise to the principle of development, subject to the scheme seeking an appropriate degree of offset of development emissions.

*Air Quality; Emissions Offsetting (Sustainability & Energy, Planning Statement, Design Principles, Travel Plan)*

The design principles for the development are acknowledged to represent good practice, and I note some significant commitments which will directly reduce local emissions of air pollutants.

*Envision, Sustainability & Energy Statement;*

The desire to put 'sustainability at the heart of proposals' is notable, and a key component of this is the drive for energy efficiency through decentralisation of space heating and the specification of Heat Pumps as a primary heat source. Combined with the 100% electric water heating strategy, this aims to eliminate on-site combustion to serve heat demand and will directly reduce emissions to air from buildings. It is understood that these systems will be supported by a solar PV installation, storage batteries, and heat recovery ventilation to offices and ancillary uses. The integration of these technologies is consistent with the sustainability aspirations, and the targeting of EPC A+ / BREEAM excellent rating, albeit that 4.47 places a significant caveat on the latter design principle.

In terms of possible improvements, I would highlight that the efficiency of proposed heat pumps could be improved by the context of their installation; e.g. by placing them on or near water or other high thermal mass materials which may take advantage from solar gain, or by placing waste heat extract outlets in the vicinity of the pumps. There are also foreseeable opportunities for utilisation of wastewater heat recovery within the scheme, particularly within the gym and within the high-quality facilities for cyclists which are both likely to include showers.

There could also be opportunities at the reserved matters stages to incorporate recovery of waste heat – e.g. through thermal storage and re-use. Depending on the levels of available heat, such a system could be serve a single plot, or multiple plots. The viability of such schemes would be dependent upon the nature of the tenancy, and so would only be realisable at the reserved matters stage where the development is not speculative.

Given the aim to eliminate on-site combustion for these purposes the above opportunities, alongside the proposed Solar PV/Battery systems, would serve to contribute to a reduction of demand for local network STOR facilities (which generate peaking electricity using fossil sources) and will contribute to marginal reductions in emissions in the Southmoor Lane / Harts Farm Way area (where local STOR's are located).

Overall the scheme is well conceived, and sets a sound set of design principles to inform future reserved matters applications. Proposals outlines are supported on Air Quality grounds.

*Planning Statement, Design Principles;*

The 'hard' measures for supporting access to the site for cyclists and pedestrians are supported on Air Quality grounds, as they should serve to make sustainable and active (zero-emission) transport modes as convenient as possible for employees. These measures will also improve the local network for the general public, will serve to improve network connectivity in line with policy objectives, and may extend the benefits in emissions reduction to a small proportion of trips on the local road network.

The EV charging provisions outlined (10% charging provision, + additional 20% spaces passively equipped) is considered to be a proportionate response to accommodate the likely medium-term need. EV charging provision is particularly compatible with the site energy strategy.

These measures are considered to contribute to the offsetting of transport-related emissions and are supported.

Travel Plan (Framework);

The travel plan presents some relatively modest mode-shift targets, which contrast with the level of ambition expressed elsewhere within the submission. I would consider the site to be sufficiently sustainably located as to accommodate more challenging targets.

Otherwise, the plan represents best practice, with a robust hierarchy established between site management & tenant's responsibilities, a clear relationship with public authorities for oversight, and some robust options for remedial action.

Some simple, but nevertheless innovative & unusual travel-plan provisions are included, and it is noteworthy that the outline travel survey aims to capture broader information about working patterns, work-related travel, and the drivers for travel choices. This survey structure should provide the best opportunity for addressing barriers to the uptake of sustainable and active travel modes.

In terms of potential improvements, I note that there are no mode shift targets to 'other' modes of travel, and the plan does not explicitly consider personal e-transport options. 0% APR loans & mileage allowance provisions for cyclists could be extended to users of e-scooters (or similar), and the site could explore hosting a e-scooter hire stand, to provide a link to local rail facilities (in partnership with commercial provider).

Given the employee-density at the site, a small car club scheme could be successful and would be a welcome addition. As the travel plan is a framework document, there will be opportunities to incorporate improvements (to targets, or provisions) at future stages – it is not necessary to secure revisions under this application.

It is anticipated that a phase specific travel plan will be a requirement of reserved matters applications, and it may be appropriate to secure this as a 'B' Condition where this isn't likely to form part of one of the required supporting documents (e.g. a transport assessment).

Overall;

The design principles, energy strategy, sustainability appraisal and transport strategy appear well-integrated, and in line with best practice. It is considered that this package of proposals will be capable of materially reducing the emissions associated with the site, including those associated with proposed buildings, with employee & customer travel, and associated with the contribution of the site to local power-demand. For these reasons, the proposals are supported on Air Quality Grounds.

*Construction Environmental Management Plan (Framework CEMP)*

It should be noted that the CEMP outlines the principles upon which phase-specific plans should be based. It does not comprise a detailed plan in & of itself and would be insufficient for direct application to specific construction works, other than as a 'live' document which would be developed into a practical / operational document for direct application by site staff.

This notwithstanding, I note that section 7 specifically relates to hydrology & protection of aquatic resources, making provision for protection of hydraulic effects, and water quality. Section 9 concerns pollution incident control measures, outlining the key principles of contractor

responsibility for providing incident control measures, and the requirement for procedures to be agreed with the Local planning Authority. The basic provisions referenced include measures often omitted, are appropriate to a site with a nearby surfacewater, and represent a reasonable starting point for future phase-specific plans.

I note that Highways England has proposed a comprehensive condition to secure a full CEMP prior to each development phase, presumably envisaged as a 'B' condition (either for discharge as part of a reserved matters application, or to be replicated as a condition of future phase-specific consents for discharge under separate application).

Both Natural England & Environmental Health (amenity / nuisance) has alluded to the need for a CEMP condition, but neither has proposed specific wording. In terms of the specific requirements of Environmental Health, I can confirm that the wording proposed by Highways England should suffice without need for modification. In respect of the requirements of Natural England, the Highways England wording omits only '*visual screening for SPA birds*'. I would suggest that requirement should be added to the list given in the Highways England condition.

No objections arise.

#### *Pollution; Flood Risk Assessment & Outline Drainage Strategy*

I note the design principles for separate drainage catchments, each with separate discharges to the existing public network or local watercourses. The strategy principles propose proprietary oil interceptor units for each catchment to ensure that 'water quality will be raised prior to being discharged'. Subject to a suitable specification, appropriate positioning on the network & maintenance scheduling, this provision should provide adequate pollution protection.

It is recognised that the drainage strategy is subject to detailed design, and a '*full drainage strategy and drainage modelling exercise will be submitted in support of future reserved matters applications*'. I am not certain that this text reflects the aspects of the development that are not reserved – namely the drainage system serving the site access road.

The Lead Local Flood Authority (LLFA) has proposed a detailed planning condition, which I can confirm includes appropriate provisions to ensure adequate pollution control. Given the uncertainty alluded to above, it is assumed that the LLFA should be applied both as an 'A' condition and as a 'B' condition, applying both to the construction / modification of the internal access road, and to reserved matters stages.

No objections arise subject to the application of the LLFA-proposed condition. Environmental Health would wish to be consulted on the discharge of this condition, at the appropriate time.

#### *Summary;*

Proposals are supported on Air Quality Grounds. No material objections to the proposals subject to the application of the following conditions;

- Modified CEMP condition, incorporating the Natural England requirements in to the detailed provisions of the wording proposed by Highways England
- An un-modified Surface Water Drainage Scheme conditions, using the wording proposed by the LLFA
- A full contamination conditions suite & informative, as outlined above

**Mr. Jonathan Driver**  
Environmental Control Officer