

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00845	Your Ref:	APP/21/01010
EH Case Officer Extn:	44 6677	Date:	20 April 2022
DC Case Officer:	Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/21/01010		
Site Address:	Land east of Turret Avenue, Fosse Close &, St Georges Avenue, Havant		
Proposed Development:	Erection of 184 No. dwellings, (no. of dwellings reduced from 194) means of access, public open space, play areas, associated infrastructure and landscaping.		

Observations / Comments:

I have reviewed the supporting information submitted with the original 194 dwelling scheme, along with the recently submitted revisions which arise largely in consequence to the improved safeguarding of land to avoid prejudicing the aspiration for a future additional A27 access & link road to serve the strategic development allocation at Southleigh.

The additional access & link road is anticipated to have a positive impact on air quality adjacent to key transport routes in Havant, and so increasing confidence in the degree of safeguarding for this option is welcome.

I would like to provide comment principally in respect of air quality and ground contamination. I would anticipate my amenity & nuisance focussed colleagues to comment on the acoustic assessment and lighting strategies.

Air Quality – Local & National Policy / General, development design response

Given the current status of Havant Borough Council's Local Plan 2036/7, I have appended to these comments a commentary on the applicability of the principles of the air quality policy (E23). The NPPF 2021 provides substantial policy support and may be directly applied to decisions where the presumption in favour of sustainable development applies, as it does presently. Please refer to the appended summary for details.

The text of policy E23 represents the councils view of how the requirements of NPPF paragraphs 93 b), 105, 119, 130 a) & f), 174 e) 185 & 186 should be met (with respect to air quality and the health impacts of relevant emissions to air-), so it serves as an appropriate guide to- and reference to it's requirements is an appropriate shorthand for- the application of adopted NPPF policies.

As regards the APP/21/01010 proposals, I note that the submitted planning statement makes reference to draft policy E23, but has mis-interpreted the objective of the policy. Essentially, the planning statement has referred to requirements of E23 c., and has omitted any comment or

specific design response in respect of policy E23 a.

The cover letter to the application revisions refers specifically to the reliance of the proposals upon the presumption in favour under the NPPF, referring to the text of para. 11 d) of the NPPF.

Whilst I note the strong terms used within para. 11 d) (*'granting permission unless the impacts of the development would significantly or demonstrably outweigh the benefits'*), I would point out that these terms are qualified by the caveat *'when assessed against the policies in this Framework taken as a whole'* – i.e. the key question is not whether the principle of development is unacceptable due to *'significant and demonstrable harms'* (as the development land benefits from an allocation within the withdrawn local plan-), rather it is whether the form of the development proposals taken as whole accord sufficiently with a wholistic interpretation of the requirements of the NPPF.

In this respect, I would disagree with the planning policy statement at 9.49 (that proposals are aligned with emerging policy E23). There are material comments to make in respect of the mitigation/offsetting of operational phase development emissions, as supported by the above-referenced principals of the NPPF.

The following comments are based upon broadly upon the appended policy background, though it should be noted that there are significant synergies between air quality and the policy objectives for landscapes, ecology, sustainability, climate, transport and health (additional to the referenced paragraphs); policy justifications for elements relevant to air quality also exist under provisions in these areas.

Air Quality - Tetra Tech Assessment July 2021 Ref: 784-B030031 – existing air quality & development contribution; exposure of development occupants, exposure of existing residents

The Tetra Tech Assessment (*'the AQA'*) considers the development in two respects - as representing new pollution-sensitive receptors that might be exposed to locally poor air quality, and as representing a source of new local pollutants (principally as transport emissions) that might contribute to increases in the exposure of existing residents to air pollution.

Given that the assessment of the latter has a transport focus, it is necessarily based upon a given model of development journeys – in terms of the modes of transport used-, the destinations of-, and the routes taken for those journeys. The model which informs the AQA is derived from the submitted transport assessment (*'the TA'*) and data from the last census.

The output of the Air Quality modelling is also compared with benchmarks of significance, derived in this case (as commonly-) from the IAQM guidance document *'planning for air quality'*. I would highlight that the benchmarks given within table 3-1 of the AQA are not compatible with the aims of policy E23, and that the IAQM document is as a whole significantly out of date relative to the state of knowledge about the health impacts from exposure to air pollutants, to developments in WHO guidelines, and both the development of the Environment Act '21 and it's subordinate instruments.

Having reviewed the TA, I would disagree with some of the assumptions used to inform the route choices (especially very locally to the site), and as above, I would challenge the direct applicability of table 3-1 of the AQA to inform the assessment of significance (and so compatibility of the direct conclusions with policy objectives).

Given this, I have considered the presented assessments against a worst-case fleet emissions model (Appendix C), worst-case development impact, and an adjusted (more stringent-) benchmark of significance. Whilst it is apparent that the development is likely to result in a substantial increase to the current levels of traffic on residential roads local to the development – I would nevertheless have to agree the broad conclusion of the Air Quality assessment, i.e. that the change in exposure to air pollutants at existing receptors is not likely to be significant in terms

of public health, when considered against current air quality limit values.

I would also agree that the development is not likely to result in any unacceptable exposure of new residents to existing sources of air pollution (in particular traffic emission from the A27), again, when considered against current air quality limit values.

No objections arise to the principle of development.

Air Quality - Tetra Tech Assessment July 2021 Ref: 784-B030031 – Mitigation of Development emissions impact

The Tetra Tech AQA concludes that *there 'is not predicted to be any exceedances of the NO₂, PM₁₀, PM_{2.5} pollutant concentrations and therefore, mitigation is not required at the proposed development'* (my emphasis). This frames the need for mitigation in terms of 'to compensate for exposures to air pollution-, or increases in the level of exposure to air pollutants- that would be unacceptable without mitigation', i.e. as the 'threshold assessment' of draft policy E23 c. Under this limited scope, the conclusion is agreed.

Section 7.0 of the Tetra Tech Assessment aims to quantify the environmental damage costs associated with the development. This is again limited to transport emissions local to the development (within 10km), for a limited period only (5-years), and ignores both direct & indirect building emissions and does not account for emissions over the lifetime of the development. This assessment is intended to inform the level of appropriate mitigation under the principles of draft policy E23 a., i.e. 'emissions offsetting', which would contribute towards the general emissions reduction targets (referred to in PPG AQ – see appended).

It is the section 7.0 assessment that the planning & design statements have failed to account for, and it is noteworthy that the central emissions damage assessment (as a non-worst-case / best estimate, limited in line with the notes above-) is a little under £144,000, representing a figure that should be *'put towards mitigation measures'*.

I note that the fully costed residential travel plan accounts for less than 1/3rd of the 5-year transport emissions damage costs, and that the development plans do not address how the balance should be put towards enhancing the quality of the development and offsetting development emissions.

The intent of policy E23 was that emissions offsetting should be additional to the minimum requirements of related policies – i.e. that a wholistic & joined up approach should be taken to the meeting of co-dependent environmental policies, but that 'direct double counting' should be avoided.

Against this interpretation, the development has not provided an adequate design response to the applicants own development damage cost estimate, and for this reason it is not clear that it has sufficiently demonstrated compliance with the relevant NPPF policies.

It may be helpful to suggest some development enhancements which could be utilised to appropriately allocate the costed detriment to local air quality, e.g.;

- where alternative policy justification is not available to secure it; the contribution toward the Warblington Station footbridge sought by the Highways Authority to support sustainable and active travel choices (subject to the requirements outlined in 3.18 of the Transport Assessment Addendum)
- small-scale / low-cost site-wide domestic unit specification enhancements which target reductions in domestic combustion; e.g. wastewater heat recovery (WWHR), upgrade from gas cooking appliances to efficient electrical models (such as induction hobs), upgrade of secondary space-heating appliances from gas to electric, site wide

preparatory measures for future domestic electric vehicle charging-point installation.

- where costing does not permit site-wide enhancements, targeted upgrading of affordable units to achieve environmental and social co-benefits from reduced emissions and reduced running costs (increased affordability of occupation), or;
- upgrading of a limited number of the private residential units to 'exemplar' sustainability standards – including low or zero carbon technologies which target reductions in domestic combustion &/or grid energy consumption; e.g. direct solar water heating, heat recovery (ventilation MVHR, wastewater WWHR), Heat pump heating appliance (ASHP), electric vehicle charging point, electrical cooking appliances, or solar PV, domestic & domestic battery storage (etc.)

The suggestions under the latter points are compatible with the aspirations described in section 4 of the design & access statement (sustainable construction), but represent an early implementation against the timeline indicated for general/routine roll-out so that they may be applied to the proposed development to a limited extent. The upgrading to exemplar standards also represents a marketing opportunity, and should not be considered as an increase in development cost that does not have a corresponding impact on yield.

I trust the development management service will determine the appropriate degree of weight to these points, but as it stands it appears to me that there may be grounds for requiring enhancements to this relatively conventional development against the air quality policies / objectives referenced in the appended text, and against the linked sustainability/climate objectives (e.g. housing delivery statement principle 5, i), 2.33, alongside the NPPF policy basis for these provisions).

Sustainable Travel (Air Quality) – Hard Measures

EV Charging:

I note that the section 3.3 of the design & access statement indicates that 'Electric Vehicle charging' is to be provided. This is reinforced by section 10.4 of the planning statement which indicates that the applicant is expecting to '*make provision of Electric Vehicle charging facilities available to each dwelling unit*'. This is of course welcome, is compatible with Housing Delivery Position Statement principle 5 f), and in line with the sections above is considered to contribute to air quality objectives. However, I note that no specific proposals are included within the submitted plans, and it is unclear what level of provision is to be made, and whether the statement at 10.4 would, where the planning statement is listed as an approved document, commit the applicant to deliver the implied provision of a physical charging unit for each dwelling unit – irrespective of whether the unit benefits from on-plot parking.

I am sceptical that the intention is as comprehensive as implied, and similarly that the text of the planning and design statements would be sufficient to secure provision of charging units. I would recommend that the applicant clarify the intended provision, or that a condition be attached to the consent to secure future agreement of the appropriate level of provision.

Pedestrian / Cycle Accesses:

I note that the recently submitted amended plans include new pedestrian and cycle accesses in the Northeast of the site to link the site to an anticipated new rail underpass, and in the centre of the Southeastern Boundary of the site, to link the site to the anticipated future spur road. I am unclear as to whether these links are to be constructed, or simply safeguarded; but in either case I consider these features to make a positive contribution towards the objectives of the residential travel plan, and these amendments are supported on air quality grounds.

I note that the features are reflected in all revised plans that have been checked, and I would anticipate it being sufficient to list the revised plans as approved docs, and that it would not be necessary to apply any specific planning control to secure.

Parking (Visitors):

I have not identified any specific reference to visitor cycle parking to serve the development. It is probably sufficient to rely upon garages, garden stores, and access to enclosed private amenity space for units that benefit from such features, however it would appear to me that provision ought to be made for visitor parking additional to the secure long-term storage for residents of the proposed flats. I see no justification for not seeking to meet the SPD requirement of 20% short-stay visitor cycle parking provision (for units without garages / gardens / stores) – failing to do so undermines the residential travel plan objective to support sustainable and active travel choices.

I am unclear on the interpretation of SPD text in respect of visitor vehicle parking, but note that the revised plans reduce the visitor parking provision from 49 to 37 spaces. I also note that table 5 of the TA applies the SPD parking standard to unallocated spaces only (apparently contrary to SPD table 4A note 1), and applies the 20% requirement to units, and not to the resident parking space requirement. The notes to both SPD tables 4A & 4B use the text ‘*an additional 20% of unallocated parking for visitors should be accommodated*’, which is arguably ambiguous, but implies that it applies to the space requirement. Given the inherent sustainability of the development land in terms of sustainable travel options, I would support a <SPD provision for residents and visitors on air quality grounds (in support of the residential travel plan objectives), but I am also mindful of the noted on street parking issues on surrounding roads, and am aware that this is likely to be a source of public objection. Highlighted for consideration as a potential policy conflict.

Sustainable Travel (Air Quality) – Residential Travel Plan

The residential travel plan includes fairly standard targets for an overall 10% reduction in single occupancy vehicle trips. I note that these targets have been agreed by the local Highway Authority, and it is implicit from the provisions of the plan that amendments to these targets would be by agreement only, under the outlined monitoring and oversight contract.

Targets are to be assessed against travel surveys, and the most significant weakness of the plan is arguably the low minimum survey response levels targeted (35% baseline survey, 10% thereafter) – this leads to wide margins of error, and increases the probability that the meeting of targets could be demonstrated by mere chance rather than due to actual behaviour change (shift to sustainable & active travel modes).

The plan includes several positive measures which are considered to be good practice – in particular making sustainable travel vouchers available on application (in the form of free trial tickets for bus/rail services, for example), rather than exhaustively list measures that are considered to be positive, I will focus on areas where improvements / enhancements could be beneficial.

The plan references fairly traditional methods for communication and engagement – physical newsletters & community notice boards, resident association meetings, steering groups, user groups etc.. The plan does not seek to leverage social channels to connect commuters, cyclists, parents etc. (e.g. a local facebook/twitter group for residents) to encourage engagement & participation, to maximise inter-resident networking, and assist community handover at the conclusion of the plan period. This would be a low-cost measure that is likely to be fruitful, and I would recommend it be considered.

I note that the revised travel plan includes an additional provision to distribute an information

newsletter which focusses on sustainable travel to schools. I would recommend that it's purpose should be expanded to include promotion of the personal health benefits of active travel – to help reinforce good habits during formative and developmental years. I understand that the plan is a living document, and it is not appropriate to require a revised version which includes these minor amendments in order to support a positive determination to the current proposals.

Construction Impacts – Dust, CEMP

The Tetra Tech AQA includes an assessment of construction dust risk, with mitigation measures discussed at section 8.1, taken largely from the IAQM guidance on the Assessment of Dust from Demolition & Construction.

I note that table 1 indicates that 'no action' is *required* for trackout, but *desirable mitigation* measures are outlined within table 8.2. Given that the site access is via unclassified residential roads (where amenity is an enhanced consideration-), I would recommend that the table 8.2 'desirable' measures are upgraded to 'highly recommended'.

I note that both dust and construction traffic movements have proven to be an issue with the adjacent persimmon homes development (as highlighted by public representations), and also that section 9.48 of the Planning Statement envisages a condition being imposed to secure an agreed Construction Environmental Management Plan. Given this, and the recommendation above – I would recommend that the following condition (or an equivalent) be imposed on any positive planning determination in respect of these proposals.

Condition [1] Construction/Environmental Management Plan (Standard / General)

No development shall commence until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing, the plan shall include:-

- a) Procedures & logistics for managing deliveries at the site, including the hours deliveries will be accepted, parking, loading, materials handover, and the means of minimising the risk of release of fuel and other materials capable of causing harm to health or the environment*
- b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site.*
- c) Measures to maintain safe pedestrian movement on the public highway & footpaths*
- d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials to- or waste from- the site.*
- e) The means of preventing track-out of mud & spoil on to the highway, or other means of managing the degree of highway soiling.*
- f) The means of minimising noise and vibration arising from construction processes*
- g) Provisions for members of the public to access site management to raise issues associated with construction activity, and for the reasonable resolution of complaints.*
- h) Details of the training of site operatives to follow the Construction Management Plan requirements.*

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

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The assessment concludes that the site may be considered suitable *'for its intended residential end use, subject to the completion of on-going gas monitoring programme'*. This conclusion is agreed, and I would further note that there are no particular 'red flags' within the presented gas monitoring data which would suggest a specific need for a planning control to secure the pending results.

I do note that the history of the site elevates the risk that previously un-disturbed unexploded ordnance could be present within the development land, that could be disturbed by construction activity. The risk is not negligible, but is expected to be greater than 'moderate' and may be characterised more appropriately as a construction hazard rather than a contamination exposure risk.

Given the location of the site, it is probably not proportionate to require a specific UXO risk assessment (desk based assessment, monitoring & contingency protocols). I would recommend that an informative be included on any positive planning determination to highlight the risk to the applicant – it may be appropriate for the applicant to consider including a section within the CEMP (condition above) to cover the possibility of discovering UXO to ensure that this risk is appropriately communicated to site personnel and subcontractors.

Informative [1]: UXO/UXB (standalone – for greenfield developments)

"Areas of Havant Borough were historically utilised for military activities which are known to have been the target of aerial bombardment during the 2nd World War. The previously undeveloped status of the site increases the risk that any ordnance that may have fallen upon the development land could have been unrecorded at the time, and could have remained undisturbed to date. Construction activities may disturb soils to significant depth, and whilst the risk is not high, there is a possibility that hazardous items could be encountered, and so reasonable vigilance for the presence of soil hazards should be maintained during all groundwork. It should be noted that both small munitions [UXO], or bombs, [UXB] may present as heavily corroded iron in a variety of sizes in forms which are not immediately identifiable – any corroded item with one or more 'fins' should be treated with suspicion. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any buried waste material (especially metallic objects which might comprise barrels, tanks, vehicles, or suspected historic ordnance) is encountered, works in affected areas of the should cease until the Local Planning Authority has been notified of the discovery, the risk has been appropriately assessed by a competent person, and appropriate actions have been agreed."

Mr. Jonathan Driver
Environmental Control Officer

Appendix – Local & National Policy Context; Air Quality

The submission local plan 2036, included an air quality policy (E23). Whilst it is understood that the plan has recently been temporarily withdrawn to make amendments recommended at the examination stage, I would highlight that;

- The issues raised in respect of the submission draft related to a failure to adequately demonstrate the sustainability of several development allocations, affecting the ability to demonstrate a 5-year land supply with the requisite margin of safety
- No specific concerns or objections have been raised in respect of policy E23, either at the consultation stage or, to the best of my knowledge, at examination.
- The text of policy E23 represents the councils view of how the requirements of NPPF paragraphs 93 b), 105, 119, 130 a) & f), 174 e) 185 & 186 should be met, insofar as these provisions relate to air quality.
- The NPPF paragraphs 93, 119, 130, 174, 185 & 186 apply to decisions where the presumption in favour of sustainable development applies, as it does presently
- The Government recognises the WHO assessment that the balance of evidence suggests that there is no safe level of air pollution, with all levels of exposure contributing to accumulating harm to health, and;
- Specifically with respect to paragraph 185, which concerns the cumulative effects of pollution on health; it is noteworthy that in 2021 the WHO guidelines have been substantially tightened for several pollutants (including a reduction in the recommended average exposures to Nitrogen Dioxide & PM2.5 by 75% & 50% respectively, in the case of PM2.5 representing an 80% reduction against current UK air quality limit value). It is also noteworthy that the government is currently consulting on reducing the PM2.5 limit value by 60% against the current limit value.

Given the points above, the relevance of the provisions of draft policy E23 has substantially increased (rather than having diminished-) since it was written, and irrespective of the status of the draft local plan, the *principles* are afforded full weight under adopted national policy. The specific provisions of policy E23 are expected to be retained in the revised draft local plan, and it remains an appropriate guide as to how the above-referenced NPPF policies should be applied to air quality (and the health impacts of relevant emissions to air).

Paragraph 174 e) requires development to improve local air quality, in accordance with opportunities identified under para. 186. Paragraph 105 refers specifically to travel emissions, but the link between air quality and public health holds irrespective of the source, and is reinforced by the principles of para's 93 & 130. Given the generalities of para's 174 & 186, considered alongside both the social & environmental objectives of the planning system (para. 8); there is no need to limit assessment or design response/emissions mitigation options to emissions from transport sources. Direct emissions from domestic combustion are considered to be within scope, in addition to indirect emissions associated with domestic energy use which relies upon combustion-derived energy for either primary generation or peaking supply.

Relevant NPPF 2021 provisions/principle's,

- Para. 93 b): *'support...local strategies to improve health'*
- para. 105: *'reduce...emissions, and improve air quality and public health'*
- para. 119: *'meeting the need for homes... while safeguarding and improving the environment and ensuring safe and healthy living conditions'*
- para. 130: [developments should] *'a) ...add to the overall quality of the area...over the lifetime of the development', and 'f) ...create places that...promote health and wellbeing'*

- para. 174 e): *'Development should wherever possible, help to improve local environmental conditions such as air... quality'*
- para. 185 *'new development [should be] ...appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health...and the natural environment'*
- para. 186: *'[new development] ...should sustain and contribute towards compliance with relevant limit values [and] national objectives for pollutants...'* and *'opportunities to improve air quality or mitigate impacts should be identified'*

Planning Practice Guidance (Air Quality), para. 001, ID: 32-001-20191101;

- *'The 2008 Ambient Air Quality Directive sets legally binding limits for... major air pollutants that affect public health such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂).'*
- *'The UK also has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants [including] ...fine particulate matter (PM_{2.5}) [and] Nitrogen Oxides (NO_x)'*
- *'As well as having direct effects on public health, habitats and biodiversity, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems.'*
- *'Odour and dust can also be a planning concern, for example, because of the effect on local amenity'*

The third quote above highlights the link between air pollutants which have health & ecosystem effects with climate change and climate objectives. It also establishes the principle of long-range impacts, and the consequence of this is that makes a link between activities directly associated with development land (e.g. direct emissions) with impacts elsewhere. A logical extension of this principle is that there may be a direct link between activities at development land with non-local emissions which cause regional harm. An example would be energy use at the completed development which is reliant upon combustion for either primary generation or peaking supply support will cause emissions elsewhere.

The fourth quote uses the phrase *'also...be a planning concern'* which confirms all the above as material planning matters.

The Air Quality PPG provides support to the text of policy E23 in confirming that PM_{<10}, NO_x, NO₂ are relevant pollutants, that national reduction targets are material planning concerns (and that consideration of air quality should be limited to consideration of threshold limit values), that impacts upon ecology is a material concern in addition to the health impacts, and that non-local effects & emissions may be material to planning provided there exists a credible link to the development.

This latter point brings energy efficiency enhancements, public sustainable & active travel infrastructure, and electric vehicle charging infrastructure within scope of air quality mitigation, through targeting reductions in demand for non-local combustion.