

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02831	Your Ref:	APP/21/00809
EH Case Officer Extn:	44 6677	Date:	06 September 2021
DC Case Officer:	Selina Donophy		
DC Case Officer Extn:	6698		
Application Number:	APP/21/00809		
Site Address:	Hermitage Park, Harts Farm Way, Havant, PO9 1FA		
Proposed Development:	Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/17/00511 as amended by APP/18/01281) in order to secure a further three years to commence development following transfer of ownership of the site.		

Observations / Comments:

I note that the application essentially seeks to renew prior permissions APP/17/00511 & APP/18/01281, with sufficiently consistent technical details that the previously approved noise, air quality and drainage plans remain applicable.

Despite this, further air quality assessment has been undertaken, and a limited additional submission has been made in support of this current application. Comments here are essentially limited to the review of additional air quality information, and are made without prejudice to any additional comments which may be submitted by my Environmental Health colleagues under separate cover in respect of noise / amenity.

Wood Environmental & Infrastructure Solutions UK Ltd. - Technical Note: GFP II Limited – Harts Farm Way Ecological Appraisal (Emissions)

Given that design & specification of the scheme is not materially different to that approved under the 2018 consent, the rationale for commissioning additional air quality assessment is at this point unclear.

The report refers to two prior air quality assessment reports undertaken by Wood E&ISUK Ltd. that have not previously been submitted the LPA in support of any prior application, and which have not been submitted in support of this application;

- Wood (2020). Technical note: GFP II Limited – Harts Farm Way Air Dispersion Modelling.
- Wood (2018) Peak Gen Power Ltd Havant Power Plant Air Quality Impact Assessment.

The Results of the 2020 modelling are discussed in the submitted technical note, alongside an overview of the scenario's tested. It has not been possible to scrutinise the technical detail of the values underpinning the assessment.

In terms of results, the report notably reports that;

- The process contribution (PC) to Annual mean NO_x concentrations is predicted to be above the indicative threshold* at (at least-) one receptor under all modelled scenario's. (*1% of the critical concentration / critical level (CLE))
- The affected area (where PC>1% of CLE) equates to approximately 16 ha of relevant habitat.
- Where operation of the facility is limited to <1280 hrs/yr, any exceedance of this indicative threshold (screening value, indicative threshold of significance) would be avoided.
- The predicted environmental concentration (PEC) is predicted to be greater than the applicable CLE at receptor E03 under the baseline scenario (i.e. under the 'do nothing' scenario that excludes the proposed development).
- The proposed development PC is expected to add +2.7% NO_x to an existing baseline ambient concentration of 31.69 ug/m³ at receptor E03. Under IAQM guidance, this equates to a 'moderate adverse' impact (impact >2% where extant baseline is 103-109% CLE)
- The PEC at 3 of 6 environmental receptors is expected to exceed the applicable CLE for NO_x under the 2500 hrs/yr scenario

Despite the above results, the report concludes that there will be 'no likely significant effects'. This conclusion is reliant upon the premise that *'mudflats are subject to frequent tidal inundation [meaning that these habitats] are likely to be more resilient to the influence of small changes in aerial NO_x emissions compared to other habitat types to which the same Critical Level (30 µg m⁻³) applies'*

Relevant local policy is considered to be; Core Strategy DM10 (pollution), NPPF 2021 185-187, and LP2036 E22. Outgoing local policy is arguably less flexible than emerging policy, implementing a stricter view of the breach of a threshold standard (*'development that may cause pollution of...air... will only be permitted where... (2) national air quality standards or objectives would not be breached'*), whereas emerging policy refers to the need to avoid a *'likely significant negative effect'*, or to mitigate that effect (e.g., through limiting hours of operation). Note with respect to NPPF para 187, the exceedances, and moderate adverse impact occur within the permitted emissions limits for the proposed plant, so in principle, this issue is material to planning as an issue associated with the 'appropriate use of land'.

I am assuming that the intended operational hours for this facility are as indicated under the prior applications – amounting to 2000 hrs/yr. It would appear that as considered against the air quality limit given in schedule 6 of SI 1001 (2010), and under the IAQM guidance, the impact at a specific relevant location will be moderate, significant, adverse. The threshold is referred to as a 'critical level', and therefore it must be considered that a new breach of this standard must be 'significant'.

The key issue here is 'how' that standard should be taken to apply, and I note the provisions of schedule 1 of SI 1001 (2010) which stipulate measurement criteria, but does not *necessarily* describe the relevant location & applicable averaging areas to which the standard applies. It should be noted that the relevant air quality standard falls outside of the jurisdiction of the local authority, and it is in fact DEFRA who has responsibility for ensuring that it is met, and so would be able to comment authoritatively on the significance of these results.

I am also mindful that the perception of significance (i.e. moderate adverse deterioration over <1% of the designated habitat) is necessarily an ecological judgement. It may (therefore) be

sufficient for planning purposes that the County Ecologist has reviewed and accepted the submitted report.

Ultimately the acceptability of the likely detrimental impact is a planning judgement. Given the jurisdiction & qualifying factors for the relevant standard, and I am flagging a concern (i.e. development would appear to be contrary to extant-, and potentially also emerging- policy); I am not objecting to this development.

I would suggest however that to more robustly support a positive determination of this application against the applicable policy, it might be appropriate for development management to seek comments from additional external consultees (DEFRA), or to seek a more expansive rationale from the County ecologist.

If neither are forthcoming, it might be appropriate to limit the permitted hours of operation so as to limit the PC to <1% of CLE. If this approach is preferred, the applicant may wish to consider refining the modelling assessments so as to limit conservatism in parameter selection, in order to avoid an unnecessarily restrictive condition.

Mr. Jonathan Driver
Environmental Control Officer