

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00638	Your Ref:	APP/21/00989
EH Case Officer Extn:	44 6677	Date:	30 March 2022
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/21/00989		
Site Address:	Cabbagefield Row, adjacent to 103, Swanmore Road, Havant		
Proposed Development:	Outline planning application for the development of 150 dwellings (3-bed; 4-bed and 5-bed dwelling houses and 1-bed and 2-bed apartments) addressing layout, scale and access, including biodiversity enhancements and buffers and species-specific enhancements, SUDS and car parking (with appearance and landscaping matters reserved).		

Observations / Comments:

I have reviewed the supporting documentation, and would like to provide comment on Ground Contamination, Air Quality Assessment, and the response to emerging Air Quality Policy (air quality relevant aspects of the scheme).

Ground Contamination

The phase 1 Preliminary Risk Assessment has identified potentially contaminating landuse features that have a low probability of representing significant sources. I would regard the appropriate conclusion to have been that further consideration of soil quality was not necessary, however the report recommended a phase 2 intrusive investigation to 'target' the identified sources. The phase 2 investigation has been undertaken and submitted as supporting documentation, and so has been reviewed.

The phase 2 investigation confirmed the anticipated general absence of visual / olfactory evidence of contamination. Made soils were also generally absent (with the exception of location WS8 where made soils of 0.75m thickness were identified), and chemical sampling of soils has not identified any concentrations of contaminants of concern to Human Health.

However (somewhat unexpectedly-), concentrations of Petroleum-Range Hydrocarbons have been shown to be generally elevated across the site and concentrations of Copper, Nickel & Zinc (Cu/Ni/Zn) were identified significantly in excess of (UKSO & BGS) estimates of Normal Background Concentrations ('NBC's'). This could be interpreted as the soils being affected by contamination arising from a source / activity that the phase 1 work has not identified.

The metals results are relevant in the context of the investigation results for leachate & groundwater, which identified exceedances of Environmental Quality Standards (as annual average [EQS-AA] and maximum allowable [EQS-MAC]), warranting further consideration due to the proximity of local surfacewaters.

I would agree with the authors that the process of generating a leachate sample would generally be expected to over-represent real-world liberation of contaminants to the dissolved phase. For this reason it would normally be expected that leachate results would exceed concentrations directly measured in groundwater. That this is not the case for this site suggests that the sampled soils are unlikely to explain the groundwater concentrations without the need to invoke some other source.

This other source could be represented either by a failure of the investigation to identify the upper range of concentrations within soils (or the presence of a discrete, undiscovered source-) within the curtilage of the site, or by contamination present elsewhere within the groundwater catchment (i.e. external to the site).

Conceptually, given the TPH concentrations (typically accepted to be anthropogenic in origin, and not likely to be from a 'natural' source at the concentrations identified), and that soils concentrations for metals exceed estimates NBC's for this area; there is room for the metals results (in both soils & groundwater) to be both anthropogenic in origin, and local to the site (i.e. 'contamination'). That no credible origin for such contamination has yet been identified does hamper both interpretation & the design of investigation/assessment/remediation works, but ultimately both risk assessment and decisions regarding the need for remediation should be based upon empirical data collected at the site.

Given the phase 2 results, I would normally recommend further confirmatory sampling, however, somewhat fortunately there are additional sources of information available to the Council for use as a 'sense check' for these results. I have consulted the site investigation information submitted in connection with the Havant Thicket development, and note that the balance of evidence is in favour of the local NBC estimates being unrepresentative of real-world results for this region, under-representing the 'true' natural (or typical, widespread-) concentrations in the soils for this area (specifically for Cu/Ni/Zn).

Locally elevated natural background soils concentrations could explain the groundwater concentrations noted. As a further sense check, I have also reviewed the WFD waterbody status for the Hermitage Stream (the closest available monitoring point directly downstream of the site-adjacent ordinary watercourse [Park Lane Stream]). The WFD status indicates high concentrations of both Zn & Cu within the watercourse (Ni not reported). The WFD assessment does not attribute these concentrations directly to elevated natural background concentrations, but equally does not attribute any other specific cause and the status for these parameters is consistent with elevated natural background concentrations within the catchment area (either within the secondary aquifer itself, or the soils overlying it).

As a result of the above, I would (on balance) consider it likely that it is unlikely that there is any specific source of these contaminants at the development land which is out of keeping with soil conditions that might be expected anywhere within the general locality. In this respect, whilst the site is likely contributing to the significant pollutant loading of a local waterbody, it is not clear that remediation of the site would contribute materially to the chemical quality of the receiving waterbody. On this basis, I would conclude that it would be neither reasonable nor proportionate to require a general remediation of soil (metals) in connection with the development of the site, and so also unreasonable to consider further detailed investigation or risk assessment.

As noted above however, there is some evidence of non-natural contamination sources (indicated by petroleum hydrocarbon results), and I would note in addition that some non-linear anomalies are identified on the GPR utility survey that the applicant has not sought to investigate / explain. This does leave room for local discrete deposits of anthropogenic contamination* to be present at the site that have not been identified through the limited site investigation (*- e.g. made ground, ground affected by fly-tipping or fuel spills from use of small mobile equipment).

To manage this risk, I would recommend that a compliance condition be included on any consent awarded to formalise the requirement for a contamination watching brief, as recommended under section 11 of the Socotec phase 2 report. Suggested wording below;

Condition [1] unexpected contamination (standalone)

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (significant made soils, or any obviously contaminated, stained, discoloured, oily or odourous soil/groundwater) or any significant 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;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) 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 written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.*

Reason: *Site investigation has identified that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site or to the local water environment. UXO risk in this region may be as high as 'moderate'. This condition is in line with 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."*

Air Quality (Syntegra Air Quality Assessment 20-7165 Aug. 2021) – Development as Receptor;

The qualitative assessment presented within the report is based upon estimated background concentrations & local authority monitoring. I would agree the overall conclusion, that air quality exposures within the development are likely to be acceptable. No objections arise.

Air Quality (Syntegra Air Quality Assessment 20-7165 Aug. 2021) – Development Traffic as source;

Prior comments by Environmental Health at the pre-application stage concluded that a 'brief examination of the character of the likely 'key' site access routes has not identified any

junctions or road sections where a relevant receptor is particularly close to the roadside such that a material deterioration of air quality is likely to arise’.

Since those comments, the Havant Thicket site has gained consent, expected to add +172 to AADT flows on Swanmore Road. The Transport assessment indicates that the Cabbagefield Row development is expected to contribute +753 vehicles on a 12 hr basis (marginally more on an AADT basis). The combined impact of these two developments (in the operational phase) would be expected to be around +925 AADT at the site entrance, compared with surveyed traffic flows of approximately 1500 – i.e. the combined impact of these developments would be expected to increase traffic on Swanmore Rd near the site entrance by approximately +61%, routing predominantly via St. Clares Ave & Swanmore Rd. East.

I am unclear why, given the anticipated traffic generation associated with this development and the presence of residential dwellings opposite the proposed site entrance, the air quality assessment appears to screen the site out from requiring an air quality assessment on the basis of a <500 AADT net change in traffic on any road link with relevant receptors.

I am similarly unclear on why the conclusions to the air quality assessment refer to dispersion modelling; this is inconsistent with the screening out of the need for such an assessment, and no modelling data is presented in summary or in detail.

This notwithstanding, and whilst it must be acknowledged that the development is not unlikely to materially change the character of vehicle flows on Swanmore Road, I see no reason to expect that my initial qualitative assessment may no longer apply. No objections arise.

Air Quality (Syntegra Air Quality Assessment 20-7165 Aug. 2021) – Development as source of non-traffic emissions, emerging policy E23;

I note the positive aspects of the development highlighted by the Public Health consultee, and would echo support on the same bases, particularly in respect of the hard measures to support sustainable and active travel choices.

I would highlight however the Highways recommendations in respect of potential active travel commuter routes via the Park Lane bridleway across the A3(M). These recommendations would strongly support the travel plan goals.

I would also express strong support on air quality grounds for the environmental elements of the design concept – most notably;

- Heat Recovery ventilation in all dwells (MVHR)
- Space / water heating to be provided by means of Heat Pump (ASHP)
- Provision of photovoltaic solar on rooves of proposed dwells (PV)

I am however slightly unclear as to the status of these features as proposals, given the language used within the planning statement, energy strategy, and BREEAM pre-assessment. For example, phrases such as ‘at this early design phase [implied, we envisage-]’, ‘proposals aim to-’ in respect of passive measures, in comparison to ‘also have the potential for-’ in respect of the ‘big ticket’ items (such as MVHR, ASHP & PV). This is further highlighted by the omission of any references within the design & access statement to ASHP, GWHP or MVHR, and that the design statement includes reference to PV in uncertain language (e.g. ‘indicative-’, and ‘indication of the design intent’). The only certain statement included within the design statement that links to these sustainable & low emission features is that which confirms that ‘...design principles are [will be-] driven by the Energy Strategy’ (which does include references to these features).

With the hybrid status of the proposals, I am unclear as to the degree to which confirming such features may be deferred to the reserved matters stage, or the degree to which these matters must be determined at the current planning stage. I am similarly unclear whether the language used in the supporting documents submitted for approval (as highlighted above, where these matters would not be treated as reserved-) would serve to secure such desirable features without related conditions being applied to any consent awarded. For example, solar PV is mentioned in the context of appearance, which is a reserved matter, but the equipment itself is not fundamentally an appearance issue. This is also-, and perhaps especially-, true with ASHP, where water vapour and noise emissions might be material amenity issues which transcend the simple 'impact upon appearance & visual amenity' which derives from the chosen external location for the appliance.

Taken together, the conclusions of the energy strategy, if delivered, are positive and represent best practice proposals that would satisfy the goals of air quality policy E23, as well as related emerging policy (e.g. E12).

On this basis, these proposals are supported. I trust that the planning service will take the necessary administrative steps to secure the stated design aspirations as material features of the delivered scheme.

Mr. Jonathan Driver
Environmental Control Officer