

Appendix R – Full main consultation responses for APP/21/00189

1.1 Council's Ecologist

(i) Final Comments

I acknowledge the desire to utilise native site grass and wildflower seed. My comments related to the retention of areas of existing grassland also. It would appear that no new information will be forthcoming and so I would expect further details of exactly how on-site species-rich grassland will be protected and retained within the landscaping scheme to be provided within a pre-commencement report.

Policy HB2 of the current Local Plan states that '*enhancements to Broadmarsh Coastal Park to mitigate the loss of green space*' are required. Although given limited weight at this time, Policy C10 of the Submission Local Plan states that '*Mitigation for Solent Waders and Brent Geese is provided upfront, prior to development, and to the satisfaction of the Council in line with Policy E17*' and '*Enhancements to Broadmarsh Coastal Park are secured to mitigate the loss of greenspace, in line with Policy E2*'. In respect to the loss of SWBGS supporting habitat it is again for Havant Borough Council to ensure that a financial contribution, appropriate to the loss of Low Use functionally linked land, is secured. The loss of greenspace is acknowledged within current and Submission Local Plan Policy. It is expected that enhancements to the Broadmarsh Coastal Park are secured. It is for HBC to secure an appropriate level of payment. It is not yet apparent exactly what enhancements would be possible or delivered by this proposal.

The lack of engagement with embedding biodiversity within the built form is disappointing. Whilst the buildings themselves may not be suitable for e.g. green/brown roofs, there are many other enhancements that can be made within the built areas that would benefit biodiversity and assist in mitigating the overall loss of ecological value.

If you are minded to grant permission, can I suggest that a site-wide Ecological Mitigation, Compensation and Enhancement Strategy is secured by condition. This should provide detailed measures for the protection, retention, creation and ongoing management/monitoring of ecological features within the site.

Prior to the commencement of development activities, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with outline measures detailed within the Ecology Report (Applied Ecology, February 2021) and Habitats Regulations Assessment (Applied Ecology, April 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition and ongoing management of all compensatory or enhancement habitat; details of off-site measures to mitigate the loss of local greenspace; location, type and number of all bat/bird boxes; details of lighting. All ecological compensation/enhancement measures shall be implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function. Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

In addition, I would recommend that a Construction Environment Management Plan (CEMP) is secured. This should include full details of all measures to avoid/mitigate

construction impacts on the natural environment.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP .

Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

(ii) Further Comments.

Following comments from my colleague, the application is now accompanied by a Response to Hants County Council Ecology consultation email 8.4.21 (Applied Ecology, April 2021) and a Habitats Regulations Assessment (Applied Ecology, April 2021). I have reviewed these documents as well as the original Ecology Report (Applied Ecology, February 2021).

The site comprises an area of former landfill which has been colonised by semi-natural habitats over the last 30 years or so, developing into an area of semi-improved grassland with areas of mature secondary woodland and scrub at the boundaries and throughout. The grassland on site retains some areas of more species-rich composition, containing a range of species that are considered to be of interest at the County level (so-called axiophytes such as grass vetchling, corky-fruited water-dropwort, meadow barley). Whilst the recent email from Applied Ecology is technically correct in stating that these species are not 'rare' at the County level (they do not feature on the Hampshire Rare Plants Register), they are nevertheless indicative of better-quality semi-improved grassland and the LPA does not simply base its interpretations of value on a narrowly-defined legal definition. The proposals will result in the loss of the majority of grassland habitat on site, that grassland is species-rich in places and forms a valuable part of the local ecological network. Should the proposal receive permission, I consider it essential that areas of the existing grassland sward are utilised within the landscaping proposals, rather than create a 'new' generic meadow using a wildflower seed mix. The benefits of utilising existing grass swards are many, including providing continuity of habitat for various organisms as well as ensuring rapid availability of habitat (rather than waiting for new grassland to establish over several years). I would expect such details to be provided within an ecological mitigation, compensation and enhancement plan that is in full accordance with any detailed landscaping proposals. Given the proposed floorspace of the new buildings I would expect there to be some consideration of features such as green/brown roofs in order to integrate biodiversity into the built form.

The western part of the site is listed as Site H08 in the Solent Waders & Brent Goose Strategy (SWBGS) based on previous use of the site by low numbers of dark-bellied brent geese: the site is clearly now unsuitable due to the lack of shorter grassland and recreational pressure, but nevertheless remains suitable for inclusion in the network based on its potential to be managed appropriately and be of use to SPA in the future. The proposals will result in the loss of this SWBGS Low Use site and therefore will reduce the extent of supporting habitat associated with the nearby Solent Special Protection Areas (SPAs). In accordance with the published SWBGS Mitigation Guidelines, mitigation is required. For Low Use sites, a financial contribution towards the protection of the wider SWBGS network is appropriate. It is for Havant Borough Council to ensure that this contribution is targeted towards meaningful enhancements of the wider network, unless the applicant has identified a site to which contributions can be channelled.

The site also forms a valuable local greenspace used for informal recreation by the public. Whilst this usage is likely to present some ecological issues (such as dog fouling, general disturbance, littering) it does 'soak up' some recreational pressure which might otherwise be felt on the nearby SPA itself or other areas of SPA supporting habitat in close proximity. The development of the site would result in the loss of this informal recreational space and be likely to push that existing pressure onto the SPA and other functionally-linked land nearby. This potential impact is not included within the submitted HRA and I note that Natural England have commented on this issue. There is also the potential issue of employees at the new site adding to existing recreational pressure on the local SPA and its supporting habitat. Consideration of the impact on recreational use of functionally-linked land is necessary.

I am content that the site is unlikely to support hazel dormice. This species is not recorded in this part of Havant Borough and I would consider it unlikely that such an urbanised locality would support a population. No further information is required.

The site is included in the Ecological Network map for Hampshire. This again highlights the local value of this area of greenspace – its loss would result in impacts greater than those arising from 'simply' habitat loss at the site scale and would further diminish the availability of semi-natural habitat in this already well-developed area. The proposal must address the impacts to the local ecological network and show how the mitigation hierarchy has been applied to ensure that losses are avoided and minimised. Where impacts are unavoidable, the LPA seeks to maximise biodiversity value and all opportunities to incorporate biodiversity should be explored.

The Bat Activity Survey report details the results of manual transects and automated monitoring. These surveys covered the period late July to September 2020. No bat surveys were conducted between April and mid-July. Conducting bat surveys throughout the active season is not simply of 'academic interest', rather it allows the LPA to be presented with full information on which to base planning decisions. There is every reason to consider that bat activity surveys within the whole of the recognised bat survey season are necessary and not just optional, as sites provide differing requirements to bats at differing times of the year. A total of at least seven bat species were recorded on site. This is a reasonable bat assemblage (typical for southern Hampshire) and places the site at local/parish/district value. Whilst it may be true that surveys in the period April to July may not have highlighted substantial differences from later season surveys this is not a valid reason for not undertaking them and is not in accordance with published best practice survey guidance.

The outline nature of the application means that firm details on proposed landscaping are not provided. The options presented in outline provide for some retained habitat around the site peripheries, comprising a mix of trees, scrub and grassland. None of the options provide for any meaningful habitat within the site interior and it is hoped that some imaginative landscaping could provide for better integration of the built form and biodiversity, especially given the substantial losses proposed.

In summary, my main concern is the loss of substantial areas of locally-valuable semi-natural habitat and its effect on the local ecological network. In addition, there is the potential for the loss of local greenspace to have effects on adjacent areas of SPA supporting habitat, thereby undermining the conservation objectives of the adjacent SPAs. Clearly there is a planning balance to be struck but I have concerns over the loss of this valuable urban edge site and the ability of the developed site to provide meaningful ecological mitigation

(iii) Initial Comment - Further Information Required.

Thank you for consulting us on this planning application which is supported by an Ecology Report by Applied Ecology Ltd (February 2021). Overall, I have a number of concerns and request that permission is not granted until further information/survey work is carried out. My comments are detailed below:

Designated sites

The western part of the site is located within a Solent Waders and Brent Goose (SW&BG) Strategy 'Low Use' site H08. All 'Low Use' sites have the potential to be used by waders and Brent geese and the unmitigated loss of these sites would in combination negatively affect the long-term resilience of the network. Whilst for the loss of 'low use' sites proportionate mitigation in the form of off-setting or enhancement measures via payment towards the management and enhancement of the wider waders and Brent geese ecological network would be required, as per the latest guidance received from Natural England, it would be the applicant's responsibility to identify any areas which the financial contribution could be spent on to benefit the SW&BG network. Furthermore, SW&BG Core Area H07A, Secondary Support Area H07B and Low Use Site H07C are located to the south of the site. Whilst a road separates the application site from these network support areas, further information is required to ensure these sites will be protected against any indirect impacts such as noise and visual disturbance, pollution incidents, etc. In the absence of this information, the LPA is unable to confirm that the proposals will not result in any likely significant effects on the integrity of the designated sites. Therefore, further information is required.

Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC area located 170m south of the site. Due to the short distance and presence of a hydrological pathway, likely impacts on the integrity of these designated sites in the absence of mitigation and avoidance measures cannot be ruled out. Therefore, it is recommended that a Shadow Habitat Regulations Assessment (HRA) is submitted, to provide the LPA with sufficient information.

Due to the presence of a hydrological link, any potential impacts on non-statutory designated sites such as Farlington Marshes SINC should be included in the submitted ecology report.

Protected Species

Dormice

The tubes were installed in July on site and only two checks in August and September were carried out, which confirmed the likely absence of dormice. Whilst the number of tubes were doubled, installing tubes this late in the season and a minimal survey effort of only two checks is not considered to be acceptable and therefore I am not satisfied that the survey findings are robust enough. It is also not clear how deploying 100 tubes was achieved. Having considered the size of the site and measured the areas of suitable habitat for dormice and considering that the tubes should be spaced 20m apart (minimum of 15m apart), it is unlikely that more than 50 tubes could have been installed, without spacing them to close to each other. Therefore, further survey work/justification is required.

Foraging/commuting bats

The transect and static surveys were carried out in late July, August and September. No surveys were carried out early in the season as per the guidelines (April – June) and therefore further survey work/justification is required in relation to the robustness of

the findings, considering that the bat assemblage for site in spring/early summer is missing.

Water Vole

The report states that a survey for water voles was undertaken in February 2021 and no evidence was recorded. Unfortunately, a single survey in February outside the survey season is not considered to be sufficient survey effort in line with the current good practice guidelines. The revised guidelines state that as the suitability of habitat for water voles can change markedly over the course of the breeding season, affecting the distribution and apparent population size, two survey visits should be undertaken in most cases: one in the first half of the season (mid-April to end of June) and one in the second half of the season (July to September inclusive) (Dean et al. 2016). However, I acknowledge that this waterbody will not be directly affected by the proposals and provided that an appropriate buffer and soft landscaping scheme is implemented, I raise no major concerns.

Habitats

A number of notable plants were recorded on site such as corky-fruited water-dropwort and pyramidal orchid. Therefore, further information in relation to the impact of the proposals on the grassland habitat on site and appropriate mitigation is required.

The submitted ecology report should include a section detailing the impacts of the proposals on the habitats present on site and how the proposed soft landscaping scheme will ensure no net loss in biodiversity. The applicant's ecologist may consider the use of the latest version of the Defra Biodiversity Metric to demonstrate in a measurable way that the proposals are in accordance with the NPPF.

Based on the above, I recommend that permission is not granted until further information is submitted.

1.2 National Highways

(i) Final Comments

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this development proposal, our interest is in the A27 and A3(M).

National Highways has no objection to the planning application subject to the following conditions (which have been agreed with the applicant).

Condition 1

Prior to commencement of development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CEMP shall include but not be limited to the following:

- (a) Details of transport logistics (including proposed routes on a plan) in*

accordance with section 6.1.2 of the Delta Simons Air Quality Assessment Report Reference 19-2099.03.

- (b) *Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);*
- (c) *an estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day;*
- (d) *the hours of construction work and deliveries*
- (e) *Procedures for managing deliveries & collections at the site, including parking, loading, materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel and other materials capable of causing harm to health or the environment*
- (f) *the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);*
- (g) *the proposed maintenance and aftercare of the site;*
- (h) *measures to avoid impacts on the non-statutory designated sites and retained habitats;*
- (i) *details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme;*
- (j) *contact details of personnel responsible for the construction works*
- (k) *Provisions for the segregation & storage of wastes destined for treatment, recycling or disposal, alongside details on how leachate generation from stockpiles will be minimised &/or appropriately managed so as to prevent cross contamination of materials or release of leachate to controlled waters.*
- (l) *Measures to ensure safe pedestrian movement on the public highway & footpaths*
- (m) *No bonfires to take place on the site, during any phase of the operation.*
- (n) *Control measures for dust and other air-borne pollutants, such as smoke and fume emission from the site during construction works. It should advise as to what measures are to be put in place for the control of any dust and other air-borne pollutants that might emanate from the development site. Furthermore, the methods of dust controls should also be in accordance with the guidance as laid down out in the BRE Report 456 – Control of Dust from Construction and Demolition activities. It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also kept damp at all times*
- (o) *The means of preventing track out of mud & spoil on to the highway and preventing runoff from or excessive infiltration to the site from adversely impacting adjacent surface waters, including wheel washing facilities as appropriate*
- (p) *Details of measures to be employed to control the emission of noise and vibration during the above phases to be provided. BS5228:2009=A1:2014 Code of practice for noise and vibration control on construction and open sites – par 1: Noise, and Part 2: Vibration (BS1<2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria.*
- (q) *Details of the training of site operatives to follow the Construction Management Plan requirements.*
- (r) *The Asbestos Management Plan & Surface Water Quality Monitoring Programme, and other specific environmental controls mentioned at section 5.5 of Delta Simons Report 19-2099.07.*

- (s) *Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties or the strategic highway.*

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, or impacts to sensitive ecological receptors. To avoid inappropriate parking practices or the turning and manoeuvring of construction vehicles which 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) and the National Planning Policy Framework 2021.

Condition 2

No development hereby permitted shall commence until details of the proposed means of foul sewerage and surface water drainage scheme for the site have been submitted and approved in writing by the Local Planning Authority and in consultation with National Highways. The surface water drainage scheme shall be based on the principles within the following:

- *Drainage Strategy by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0001*
- *Flood Risk Assessment by Burrows Graham Version 2 dated 01.06.21 – Ref: 21048-BGL-XX-XX-RP-D-0002*
- *Drawing No. 21048-BGL-XX-X-DR-C-0250 Rev P1*

The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment & Drainage Strategy.*
- b. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths, and gradients.*
- c. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.*
- d. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.*
- e. There should be a presumption against disposal by means of infiltration drainage unless compatible with the contamination assessment 'site conceptual model' and remedial/risk mitigation scheme.*

No surface water shall be permitted to run off from the development on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of the development may be made to any Strategic Road Network drainage systems.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

Condition 3

Prior to installation, details of any proposed External Lighting (including location, type and illuminance levels) at the site shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways), to be based on the principles shown on Drawing No. 4856/E/101 –External Lighting Layout. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification unless otherwise agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: To ensure that the A27 and A3(M) Trunk Roads continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety having regard to policy CS16 and the National Planning Policy Framework 2021.

Condition 4

Prior to occupation of any part of development hereby permitted, an Operational Management Plan will be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways and Hampshire County Council). The Operational Management Plan will include but not limited to the following:

- *Details of HGV routing;*
- *Measures to manage down demand for HGV movements during peak periods (Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) where feasible;*
- *Car Park Management Plan; and*
- *Framework Travel Plan for staff on site.*

Reason: To ensure that the A27 and A3(M) Trunk Roads continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety having regard to policy CS16 and the National Planning Policy Framework 2021.

Condition 5

Prior to the commencement of construction of the proposed bunds facing the A27, geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the 3m-5m high earth bunds (set out in the Geotechnical Design Report, associated drawings and Specification) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with and requiring certification by National Highways).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety having regard to policy CS16 and the National Planning Policy Framework 2021. well as in providing effective stewardship of its long-term operation and integrity.

(ii) **Initial Comment - Additional Information Required**

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A27 and A3(M), in particular the Harts Farm Way/A27 teardrop junction and the A27/A3 Rusty Cutter junction.

We have reviewed the Former Landfill Site, Brockhampton West, Harts Farm Way, Havant Transport Assessment (TA) February 2021 and have provided our comments in the same order as the TA for ease of reference as follows:

2.47 Personal Injury Collision Data Review

Paragraph 2.47 advises that there are no collision clusters but no plot of the 2015-2020 collision data has been provided to support this view. We request that a plot is provided. If any clusters are identified on the SRN we request commentary reviewing the collisions.

3.20 Havant Borough Local Plan (Allocations) (July 2014)

We understand the site is allocated in the current adopted Havant Local Plan as site BD11 'Brockhampton West' for 23,400 sqm of employment use. Therefore the development proposal is in excess of the site allocation within the Local Plan.

The Local Plan has stated that the site is, "*Located in close proximity to the A3(M) Junction 5 and could have an impact on the Strategic Road Network.*" Therefore a site specific development requirement is listed as "*Potential mitigation measures to ensure the safe and efficient operation of the Strategic Road Network to the satisfaction of the Highways Agency.*"

4 Development Proposals

We understand that whilst the form of the proposed buildings has not yet been defined, three illustrative layouts will be submitted demonstrating use of the site for one-, two- and three-unit schemes. The floorspace associated with each layout is as follows:

- One-unit scheme: 28,392sqm (GIA)
- Two-unit scheme: 27,985sqm (GIA)
- Three-unit scheme: 27,471sqm (GIA)

4.10 Parking

In terms of parking requirements, we note that the one unit scheme would give rise to the greatest proposed parking provision for both cars (315 spaces) and HGV loading docks (25).

The parking demand has been based on provision for B8 use only as opposed to mixed use.

Paragraph 4.13 states that if an E or B2 use class occupier is interested in occupying the site, a revised layout with increased levels of car parking would be provided. HBC's Parking SPD (September 2019) states minimum requirements and given that the

application is for a mix of uses but only one use class has been assessed this does not appear to be a robust site layout or meet the requirements of the SPD as the parking spaces provided are below that for B2 and E (B1c) use class. Therefore we request that confirmation is provided if HCC Highways and HBC are satisfied with this approach.

We would expect that a proportional approach to the use classes would be more appropriate as opposed to 100% B8 to ensure that a robust assessment has been undertaken when applying for a mixed use development. Given the site's close proximity to the SRN A27 westbound off-slip, we would be concerned if there was an under provision of parking that could lead to queuing on Harts Farm Way and onto the A27 mainline. This could lead to capacity and safety impacts on the SRN which would be unacceptable.

5 Traffic Generation

A single site – TNT Dartford, surveyed in 2017, is proposed as the basis for the B8 trip rates. Although we do not concur that the site is directly comparable to the Havant site, we agree that the B8 Distribution rates are acceptable for use in the TA. However, we request written confirmation that the site is not intended for B8 parcel distribution as this would result in significantly higher trip rates and traffic generation and therefore would require an additional trip rate assessment.

The B2 trip rates are acceptable for use in the TA. As mentioned above for section 4.10, we would expect that a proportional approach to the use classes would be helpful in assessing traffic generation, particularly with the inclusion of E use. We request confirmation if HCC and HBC have accepted the proposed trip rates.

5.17 Trip Distribution

The proposed distribution for the site has been derived using a nearby MSOA Havant 014 as opposed to Havant 018 where the site is located. We request that the breakdown of the proposed distribution and how this compares between the MSOA's is provided as at present it is unclear if it is representative of the site.

6.2 The Study Network

We agree with the TA that the following SRN junctions should be considered as part of the TA junction assessments:

- Harts Farm Way/A27 teardrop junction
- A27/A3 Rusty Cutter junction

6.3 Baseline Traffic Flow Data

We agree with the use of traffic flow data from the Forty Acre Farm planning application in the absence of any other suitable data due to Covid-19 restrictions and altered traffic patterns. However we note that some data was obtained in 2015 and some in 2017 so we seek clarification in relation to the data that is proposed to be used within this application.

6.5 Traffic Growth

In terms of modelling scenarios, please see the reference to the DfT Circular 02/2013 as follows regarding appropriate assessment years:

“25. The overall forecast demand should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater. This is known as the review period.

27. Where the overall forecast demand at the time of opening of the development⁹ can be accommodated by the existing infrastructure, further capacity mitigation will not be

sought. The opening of the development shall be taken to be the date at which the development first becomes available for occupation, unless agreed otherwise.”

We request that the assessment years are confirmed as it is unclear if 2025 is the proposed opening year of the development. Clarification regarding the review period assessment year is also sought.

Table 6.1 contains the proposed traffic growth TEMPro 7.2 figures for 2016-20 are acceptable for use within the TA. However in relation to the Forty Acre Farm data, we seek clarification in relation to the traffic growth figures that relate to 2016 as opposed to 2015 or 2017.

6.8 Scenarios

We note that only the worst-case scenario has been assessed, namely the one-unit scheme operating wholly under B2 land use. This is agreeable for use in the TA however, we question why the parking spaces scenarios are based on the development being solely B8 whereas the traffic scenarios are based on solely B2. We request that a consistent approach is taken across the TA.

6.20 and 6.22 SRN Junction Assessments

We request that the junction modelling files, marked up CAD plans with dimensions used in the models and signal timing sheets are sent to us for review for both the Harts Farm Way/A27 teardrop junction and the A27/A3 Rusty Cutter junction. We request confirmation if the improvement scheme that was permitted as part of the Forty Acre Farm application for the A27/A3 Rusty Cutter junction has been considered and what year this will be delivered.

In addition to the comments in response to the TA above we have further remarks as follows.

We do not see a reference to any committed development as part of the TA and assessment scenarios. We request that the applicant confirms what has been agreed with HCC and HBC in relation to relevant committed development.

We have reviewed the lighting proposals and request that the applicant agrees to a planning condition as follows:

“Prior to the installation of any external lighting full details of lighting, the associated levels of luminance, timing of its provision, and its location shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification unless otherwise agreed in writing by the Local Planning Authority (in consultation with Highways England)).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.”

Clarification is sought regarding the drainage strategy and if any proposed drainage will tie in to HE assets. For the avoidance of doubt, we reiterate that Highways England does not permit any third party development to connect into or drain into our existing highway drainage network as per the DfT Circular 02/2013, which states in the chapter *“Physical Impact of Development on the Strategic Road Network”* that:

“49. There may be development proposals that, whilst not within the statutory requirement for a local planning authority to consult the Highways Agency, have the potential for direct or indirect physical impact on the strategic road network or its amenities, or to put users of the road at risk (such as fire hazard; stability of embankments and cuttings; integrity of structures; water run-off; air quality; visibility of traffic signs; etc.). Developers and local authorities are encouraged to identify such potential risks and discuss with the Highways Agency at the earliest opportunity to avoid the possibility of delaying or putting the delivery of their proposals at risk.

50. In order to ensure the integrity of the highway drainage systems, no water run off that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems. Where there is already an existing third party connection the right for connection may be allowed to continue provided that the input of the contributing catchment to the connection remains unaltered.”

We understand that bunds will be delivered at a height of 3m on the western area of the site that borders the SRN highway boundary with the A27 westbound offslip. The Design and Access Statement layouts for each scenario are unclear in terms of the print quality to establish the height of each bund. Please can the applicant provide a drawing with the relevant dimensions of the western bund with the distance of the toe of the bund to the highway boundary. Please confirm the drainage arrangements for the bund.

In terms of the parameters plan, we note that the potential fire access zone for the 3 unit scheme runs to the north of the development to the highway boundary. Please can the applicant provide further details as to the nature of this access zone and the boundary treatment to the north of the site? We would be concerned about the route in an emergency potentially leading people to become trapped between a fire and the SRN if there was not a suitable boundary and exit point.

Finally, we request confirmation if any improvement works are proposed on the SRN? From the information currently provided it is unclear if any signage or other street furniture from the A27 westbound offslip is required to be located within the SRN boundary. If there are any works to the RN, we request a WCHAR as required by CD 143 and a GG104 Safety Risk Assessment are completed for this SRN junction. In addition please forward the CV's of proposed road safety auditors and a draft RSA1 brief for our consideration if works are proposed.

We hope that this response has been helpful and we would welcome a further meeting with the applicant to discuss the development proposals in the context of our comments above. In the interim we ask that the application is not determined (other than a refusal) until such time as we have resolved our concerns in order for us to provide a Formal Recommendation.

1.3 Southern Water - No Objection

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the

following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.-
- Specify a timetable for implementation.-
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

Please note: There is a private surface water sewer within the development site.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall

not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Officer Comment: *SuDs are no longer proposed for the disposal of surface water due to the existing ground condition.*

As to the suggested informative pre-commencement conditions are recommended, if permission is granted, as to foul and surface water drainage.

1.4 Environment Agency – Final Comment – No Objection, subject to conditions

(i) Final Comment

We have reviewed the updated “Draft for comment” Remediation options Appraisal and Geo Environmental Assessment.

We note that these are still labelled as “draft”. While we can confirm that the contents are in line with our previous discussions on the site, we would recommend that the Local Authority get confirmation that these are finalised positions, before determining any planning application. The following comments are applicable for the documents with the assumption that this are the current position of site works.

We note confirmation of the presence of an existing sheet piled wall along the eastern boundary of the site, adjacent to the hermitage stream. This should greatly reduce the potential for direct rapid connection between the site and the Hermitages stream. We note that this sheet piled wall is largely outside the planning application area boundary.

Following the additional information provided we would now accept the conclusion that a new barrier wall between the site and the Hermitage is not a viable option. We would also accept that a deeper barrier wall could pose additional risk in terms of leachate breakouts etc.

While we would agree that no specific additional barrier wall is required between the site and the Hermitage, if additional preferential pathways are identified then these would require addressing. This may include outfall of breaches in any existing barrier system.

We note the comments on the Outfall to the North-East of the site. We can confirm that the recommendations for a CCTV survey of this and sealing potential connection to the landfill must be undertaken as per the recommendations of the remedial strategy.

We are aware from discussion from historic records held by the council, that there may

be an outfall that is still viable in the location of Storehouse Lake. This may include drainage that is impacted by the wider landfill. We would agree that this is something of a residual concern as potential relic pathway from the wider landfill to the Langston harbour. This outfall is well outside any application boundary, and could be impacted by any part of the landfill and not just the section that is covered by this application.

It is though apparent from data we have on the site, that a barrier wall that is just keyed into the top of the chalk, may slow transit times, but is unlikely to stop flow. In time equilibrium of groundwater/leachate will be reached and flows out of the landfill are likely to be the same. As such we believe that the barriers on site are effective in slowing transit time, but ultimately the only way to reduce outfall from the site would be to reduce water infiltrating/flowing onto site.

As such we agree with the conclusions that reducing infiltration over the site will have the following betterment results.

- Reducing moisture content in the landfill cells is likely to reduce the rates of degradation.
- Less flushing of contaminants is likely to slow the rates of contaminants reaching groundwater
- Less inflow would reduce the rates of any outflow from the landfilled area.

In light of the above, I believe we would be in a position now to accept the proposed remedial strategy, as set out in the latest version of the remediation options appraisal. I cannot see any reason why we would not be able to apply this acceptance to any planning proposal.

As no infiltration drainage is proposed, we have no further groundwater comments/issues on the drainage proposal.

There remain a few issues that need to be resolved, such as final piling design and surface water monitoring during groundworks/piling. These issues could be assessed in a separate report or as part of the CEMP.

We request that the **following conditions** be attached to any planning permission granted, and that the details in relation to the conditions be submitted and approved by the Local Planning Authority.

Condition 1 of 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 2 of 3

Prior to occupation of the approved development, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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 to demonstrate that the

site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Piling or deep foundation, has the potential to mobilise contamination from the underlying landfill into the chalk bedrock/superficial deposits, and increase the potential of mobilisation/migration to the underlying chalk aquifer. As discussed above these issues could be assessed in a separate report or as part of the CEMP.

Condition 3 of 3

No piling or deep foundation shall be constructed until a method statement has been produced demonstrating how groundwater will be protected, and the protection verified. Any Method statement should include details of piling methods that will ensure the risks of mobilisation are minimised a water monitoring program, to be undertaken during and after piling to demonstrated effectiveness of these methods,

Reason

To ensure that the proposed Piling or other deep foundation does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. Contamination may be present on site.

(ii) Initial Comment

The proposed development involves the use of a non-mains foul drainage system which will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information on the proposed system and its impact to the receiving waterbody. We therefore **object** to the proposal as submitted.

Reason

The development is located in close proximity to Southern Waters Waste Water Treatment site, Budds Farm and 130m from a foul sewer line. The proposed discharge location is to the Hermitage stream, a designated shellfish waters, which then leads to Langstone Harbour which is a SSSI, SAC and SPA. The current WFD status of Langstone Harbour is Moderate (due to moderate ecological status). Langstone Harbour is used for a large variety of recreational and commercial water uses and as such receives a lot of public and media attention, especially centered on sewage discharges This objection is supported by paragraph 183 of the National Planning Policy Framework, which recognises that planning and pollution control are separate, but complementary, regimes.

Overcoming our objection

To overcome our objection the applicant should provide evidence of communication with Southern Water on the possibility of connecting to mains sewerage and reasons why the non-mains approach has been proposed. This information must satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

- information on the volumes and proposed treatment method
- a foul drainage assessment on how impact to the environment will be minimised
- reasons for why a connection to foul sewer is not appropriate, this should consider costings, future development and feasibility
- breakdown of why 3 separate sewage treatments plants have been proposed over other treatment options.

This information should also be provided as part of the permit application to reduce the risks to people and the environment and obtain a permit. We will not be able to determine a permit application until this information has been provided.

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

The permit is also likely to control the following emissions:

- Water quality determinants of the discharge
- Volumes of discharge

1.5 Environmental Health Manager – contamination – No Objection

(i) Final comment

Summary:

Some potentially material aspects of the contamination assessment have been identified which could be interpreted to be contrary to National Planning Policy, if a strict interpretation were applied. A more nuanced interpretation is arguably available, and additional planning considerations (such as both reasonableness & proportionality) may well apply.

These comments do not make a specific recommendation as to the approval- or refusal- of these proposals, and instead aim to inform the planning decision (against a broader public interest test) of both sides of the possible interpretations.

The interaction of the various related documents (Construction & Material Management Plans, Ecological Assessment, Factual & Interpretive Contamination Assessment, Water Quality Monitoring, Remedial Options Appraisal & Verification Strategy) are discussed, and a consolidated suite of amended conditions is suggested in substitution to those proposed by the Environment Agency (EA), and that previously recommended by Environmental Health.

It was intended to broaden the scope of EA proposed conditions to specifically incorporate Ecological risk drivers and those aspects only relevant to the Local Authority (i.e., Human Health, Built Environment). The EA may wish to review the proposed amendments, particularly *in relation to managing the risks of piling via a method statement*.

Observations / Comments:

Given the policy context, the complexities of considering the wider source area, and the environmental sensitivity associated with both the Harbour as a controlled water, and the various ecological designations; it is appropriate that the Council seek to gain a robust understanding of the assessments submitted.

I have now completed a comprehensive review, and would like to highlight some aspects that are subject to some residual uncertainty – for which a judgement on the balance of probabilities is required.

These comments do not make a recommendation either to refuse the proposals on policy grounds, nor do they make a recommendation to approve with conditions. The aim is to assist the planning service, or the Council (as the case may be) in its determination of the application against the applicable policy. Recommendations for conditions apply in the event that the Council is minded to approve the application.

Habitats Regulations Assessment (Appropriate Assessment) (HRA-AA)

I have reviewed the HRA-AA documents insofar as they relate to leachate associated with the waste materials at the site, and how this may affect water quality.

In terms of scope (of the HRA-AA), it is noted that *all matters capable of having a significant effect on designated sites in the Solent* must be addressed, but also that it is *the net emissions into European Sites that is critical*.

On balance, I would concur that the greater portion of potential development impacts are associated with short-term (construction-related) impacts, and that the long-term (development) impacts are likely to be neutral as a worst-case, with a reasonable potential for overall betterment. However, I would also highlight that the HRA-AA addresses the *net* impact associated with the development, and that the contaminated land framework (both the statutory instrument, and the related policy context-) differs in that it is concerned with the *overall impact of contaminants associated with soils at the site*.

In principle (therefore) it is possible to conclude 'no significant adverse effect' under an HRA-AA, whilst also concluding that contamination present at the development land is nevertheless contributing to long term 'significant harm' to the same receptor. In this sense, the advice of Natural England (which is focussed on the new, development-related inputs) does not have the scope that I'd hoped for, and do not necessarily have wider application (e.g., to consideration of ecological receptors under the Contamination Assessment)

Contamination – Revised Geo-Environmental Assessment (GEA, 19-2099.04 v.4.3)

The GEA was significantly revised following a meeting held with the applicant, the authors, Havant Borough Council and the Environment Agency. I would agree that the revised report broadly reflects the discussions held and has accounted for issues raised.

I have identified some aspects which have the *potential* to be material to the conclusions of the assessment; briefly summarised in Appendix 1.

These factors leave room for the contribution from the site to be unacceptable in respect to consuming available 'headroom' within a more limited (but nevertheless significant) geographical area (than that used for dilution calculations), which could tip a borderline environmental threshold over to an unfavourable condition (e.g. with respect to either a WFD quality objective, or an overriding conservation objective associated with one of the multiple protection designations associated with this waterbody).

GEA Water Quality / Ecological Receptors - Summary

Issues (1-3, Appendix 1) are material to consideration of the supporting documentation in the context of NPPF para. 183 b), and c). I have highlighted these issues to the Environment Agency, being the competent authority for controlled waters. I have not highlighted the above issues to Natural England (as the competent authority for protected areas) but note that the above considerations were not covered within the consultation

comments received.

The issues highlighted are not necessarily reasons to object to the proposed development – as has been noted, and as is evident from the HRA-AA; the impacts are not directly linked to development and are instead linked to the prior use of the land. A more nuanced interpretation of para.183 may be reasonable – e.g. rather than interpreting the wording to mean i) ‘land should *never* be capable of being determined as contaminated land’ (183 b)), interpreting the policy to mean in practice that ii) ‘development proposals should be supported by adequate information to show that the site is not *likely* to be determinable as contaminated land *upon completion of the proposed development*’ (183 b) & c)).

Similarly, 183 a) provides that the LPA should be satisfied that a site be ‘suitable for its proposed use’, taking account of ‘former activities’, as well as ‘potential impacts on the natural environment arising from ...remediation’. This text implies a that the policy may be interpreted to focussed upon the suitability of the site in a way that is considered *relative to its existing state*. This may especially be the case where the risk driver is an off-site environmental receptor (i.e., water quality).

Accepting these interpretations would mean that the development could proceed, having demonstrated a worst-case neutral impact, best-case positive impact (betterment, in accordance with the GEA), relative to existing. This could be reasonable especially where development does not prejudice future remedial actions, and would be analogous to the logic applied to any remedial measure which addresses exposure pathways (rather than aiming to reduce the concentration or volume of contaminated material). Both clean cover systems & ground gas protection measures fall within this category, and both apply to this site for the human health limb of the assessment / remedial strategy.

Such a judgement could be supported on the balance of probabilities, on the bases summarised in Appendix 2.

It should be possible to justify support for the principle of development (i.e. accept that 183 c) be interpreted-) in line with the ‘balance of probability’ & policy considerations outlined in Appendix 2, notwithstanding that the development of the land cannot be said to preclude the possibility of determination of the land as contaminated land at some point in the future (e.g. in relation to new information, or new physical factors which adversely impact the current Conceptual Site Model (CSM)).

This suggested conclusion should be regarded as ‘subject to the agreement of the Environment Agency with the interpretations / judgements represented in this response in respect of controlled waters EQS/GAC (or the Agency choosing not to raise any material concerns about the points directly highlighted)’.

GEA Human Health - Summary

Conclusions & recommendations of the GEA are broadly accepted. It is agreed that gas protection measures to Characteristic Situation 3 are appropriate, and that Clean Cover would be prudent within new areas of soft landscaping. It is agreed that there is no need to install engineered Clean Cover in vegetated areas of the site that will not be excavated during the course of development.

Contamination – Remediation Options Appraisal & Verification Strategy (ROA, 19-2099.07 v.2.3)

It is assumed that ‘pre-construction site enabling works’ do not directly correspond to

implementable scope of the outline consent – i.e., form a ‘means of access’, and that the described works represent reserved matters.

It is also noted that this document represents an ‘options appraisal’ and does not represent a ‘remediation method statement’. The document does not seek to provide a detailed design or specification for the preferred remedial options, deferring detailed design (or selection of design concepts) to future stages. The report acknowledges this at 1.4, and in this respect, it is likely to be appropriate to seek to secure a ‘remediation method statement’ at the reserved matters stage, which can account for the evolving detailed design – especially of gas protection measures and foundation options.

There is also some crossover with construction management planning, in particular as indicated at section 5.5, which anticipates a revised CEMP/CEMS as including an asbestos management plan (AMP) and surfacewater quality monitoring plan (SWQMP). These elements, alongside the Materials Management Plan (MMP) are particularly relevant to the site preparation and enabling, below ground construction works, and clean cover. As above, and it may be appropriate to secure a revised CEMP and supporting documents (AMP/SWQMP) at the reserved matters stage. It is understood that this is anticipated, and that Delta Simons has already provided input on runoff & leachate control elements of the CEMP that relate to the proposed cut & fill operation.

Following comments here assume policy compliance under the preferred primary remediation option (infiltration reduction, no new barriers), discussed in GEA section (above). This section aims to address specific elements of the ROA not covered in the GEA discussion, above.

Section 5.3.2 – (Strategy for Remedial Works); Relict Drainage

This section refers to drainage in context of management of pathways related to surface runoff, during site preparation & construction. These provisions differ from the context of the GEA section 10 (revised Conceptual Site Model), which refers to preferential pathways (drainage) in terms which assume significance only where the outfall is linked to the *landfill waste body, intentionally, for the purpose of water management (during tipping)* (i.e. as headwall discussed at GEA 7.6.2), which does not necessarily provide for the risk of drainage *not designed to drain the landfill waste body, nevertheless capable of acting as a preferential migration pathway* (e.g. due to defects). Former is unlikely for the outfall in the northeast of the site, the latter is possible in relation to that outfall, and one additional.

Delta Simons refers to the North-east outfall as not being marked on any plan – there is however a plan which identifies it as ‘HW.4’, and that plan shows it serving a highway drainage ditch to the north of the development land. Another outfall, to the South-West, assumed to be ‘HW.5’ (plan missing, but elevations & spec. correspond to Sewer Network records), is connected to a 36”/900mm conduit which underlies the development land in the West of the site, with at least one Manhole/Inspection Chamber being present within the development redline area (therefore probably corresponding to the tipping area). Preferential migration can occur either through a breach in integrity of the conduit (e.g., through settlement), preferential migration around the annulus (e.g., granular bedding), or through deliberate connection (surface water drains, serving land drainage, etc.). Both HW.4 & HW5 hold potential to act as preferential pathways, but equally both are likely to be in contemporary use for off site infrastructure.

I would not object to investigation of HW.4 in order to confirm it’s condition, but I would highlight that the logic which justifies this as a remedial measure also applies to HW.5.

CCTV inspection is not the only method of verifying the function of the features as a direct pathway – a water sample could prove informative (e.g., as to the likelihood of the conduit carrying leachate)

I would recommend that a subsequent RMS should provide clarity on the strategic proposals discussed in 5.3.2 of the ROA / Section 10 of the GEA, in respect of drainage.

6.4 – (Strategy for Remedial Works) Ground Gas Protection

This section refers to the need to allow some form of preferential venting to reduce diffusion gradients which encourage ground gas ingress to buildings. It is suggested that 'permeable paving' may be used for this purpose.

Given the overall (primary/preferred) remediation objective of reducing infiltration, the concept of permeable paving should generally be avoided (unless tanked, which would not serve the ground gas objective referred to here-). It is agreed that this should be considered in the design of the development by the ground gas specialist, but I would recommend that specific engineered venting options be adopted that do not risk undermining the objective of minimising infiltration.

6.4.2 suggests that specific measures should be agreed with the Local Authority prior to adoption – 6.4.4 indicates that a specific gas verification plan should be submitted. This would suggest that it is both anticipated, and appropriate that a detailed RMS be sought at an appropriate stage, as indicated above.

6 (Strategy for Remedial Works) Clean Cover & Materials Verification

I note a mismatch in the GAC applicable to the stockpiled soil, and the GAC which apply to the post-placement verification exercise. Given the conservative nature of the stockpiled material GAC, and the disruption that would be caused by excavation of out-of-spec soils (which are not unacceptable to the exposure scenario); this is acceptable.

I would agree that post-placement disturbance of installed clean cover (e.g., for tree planting and service installation), and I would expect the verification report to evidence the disturbance & reinstatement of cover to accommodate such works.

6. (Strategy for Remedial Works) Services / Utilities

This section refers to several design issues which are currently uncertain – water supply pipework requirements, service corridor design, and specialist design of buried concrete, due to the 'highly aggressive' ground conditions arising from ammonium concentrations within the waste body.

Concrete design is particularly relevant to the proposed CMC ground improvement. This technique may demand the use of a weak concrete mix, which could be particularly vulnerable to aggressive ground conditions. If a vibro-stone column is opted for as an alternative (to overcome this limitation), this could have significant consequences for the ground gas regime (providing preferential venting), and may have significant implications for the efficacy of the infiltration reduction strategy (providing vertical permeability into the waste body).

Design issues associated with the Piling methodology, and CMC ground improvement are expected to be considered under the condition 3 proposed by the Environment Agency consultation response. It is considered that it would be appropriate to broaden the scope of this condition to explicitly consider CMC to be within scope of the definition of

'deep foundation', and to consider interactions between the construction methodology and the objectives of the RMS.

Construction Environmental Method Statement / Construction Environmental Management Plan (CEMS/CEMP) & Materials Management Plan (MMP)

Notwithstanding the submission of the Readie Construction Environmental Method Statement dated 28/04/21, it is understood that a revised document is in-draft to secure the operational deliver of strategic remedial actions discussed at 5.4 (disposal of water), 5.5 (Environmental Management); and 5.6 (previously unidentified 'hotspots' contamination).

It is expected that the revised draft will take account of previous comments made by Environmental Health (CONS/21/01452, 15/06/2021), and that it will include provisions to manage specific activities associated with the implementation of the Materials Management Plan, insofar as they relate to process risks (runoff, drainage, dewatering, dust control, etc.), as distinct from the matters strictly limited to the Definition of Waste Code of Practice (DoWCoP; concerning the status-, origin- & destination- of materials)

There is a need for consistency between these related documents (and their directly counterparts – verification reports, AMP, SWQMP) and the Piling Risk Assessments, Contamination RMS, and Verification Report. Given this, it is considered to be appropriate to seek to secure a revised CEMS/CEMP at the reserved matters stage, which can account for the evolution of detailed design work undertaken in the interim.

Recommendations (Conditions)

Condition [1]: Remediation Method Statement (RMS)

Prior to the commencement of any specific phase of development approved by this planning permission (other than site clearance, forming the means of access, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a remediation method statement shall be submitted to- and approved in writing by- the Local Planning Authority.

The Method Statement shall be based upon the Remediation Options Appraisal & Verification Strategy 19-2099.07 and shall provide details of proposed remedial & risk mitigation actions that could not be designed in detail at the outline stage.

Reason: *To ensure that the development does not contribute to-, is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination. This is in line with paragraph 174 e) & 183 of the National Planning Policy Framework & DM17 of the Havant Borough Local Plan (Allocations) [2014]*

Condition [2]; [Recommended Substitution of Condition 1 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

The contamination 'watching brief' referred to at section 4.1 of the Delta Simons Report No. 19-2099.07 v2.3 shall be observed during all groundwork operations. If suspected contamination is encountered which is qualitatively out of keeping with ground conditions described within the Factual Geo-Environmental Investigation Report (19-2099.04); 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.

All investigation, assessments & other actions required shall be undertaken by competent persons, and the scheme shall be implemented as approved

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution arising from previously unidentified contamination sources at the development site. This is in line with paragraph 174 e) of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014]

Condition [3]; [Recommended Substitution of Condition 2 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

Prior to occupation of any relevant part of the approved development, a verification report which demonstrates both the satisfactory completion & efficacy of works set out in the approved remediation method statement [referred to at **Condition 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 Delta Simons Report No. 19-2099.07 v2.3 (the approved Verification Strategy) & the Piling Method Statement [referred to at **Condition 4**], to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of document 19-2099.07 v2.3 (the approved Verification Strategy) have been met, and that remediation of the site is complete. This is in line with paragraph 174 & 183 of the National Planning Policy Framework, Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, & DM17 of the Havant Borough Local Plan (Allocations) [2014]

Condition 4 [Recommended Substitution of Condition 3 of 3, Environment Agency Consultation Comments Ref: HA/2021/123019/04-L01 22/12/2021]

No piling or deep foundation columns shall be constructed until a Method Statement which demonstrates how groundwater will be protected, and how the efficacy of the protection measures will be verified, has been submitted to and approved in writing by the Local Planning Authority.

Unless specifically excluded by agreement, the Statement shall include;

- a) details of piling methods, to ensure that the risks of contaminant mobilisation are minimised and that the wider remedial objectives outlined within the Delta Simons Remediation Options Appraisal 19-2099.07 will not be prejudiced,
- b) details specification &/or design of materials, to ensure that the piles or deep foundation columns are not put at unacceptable risk by aggressive ground conditions, and;
- c) details of a water monitoring program, to be undertaken both during and after piling to demonstrate the efficacy of the methods in minimising mobilisation of contaminants

Reason

To ensure that the proposed Piling or other deep foundation does not harm groundwater resources in line with paragraph 174 e) & 183 of the National Planning Policy Framework, and DM17 of the Havant Borough Local Plan (Allocations) [2014]. Contamination may be present on site.

Condition [5]: Construction/Environmental Management Plan [Suggested substitution to Condition 1, Environmental Health Consultation Ref: CONS*21/00753 19/04/21]

Prior to the commencement of any specific phase of development approved by this planning permission (other than site clearance, forming the means of access, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority, the plan shall include: -

- (a) Details of transport logistics in accordance with section 6.1.2 of the Delta Simons Air Quality Assessment Report Reference 19-2099.03.*
- (b) Procedures for managing deliveries & collections at the site, including parking, loading, materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel and other materials capable of causing harm to health or the environment*
- (c) Provisions for the segregation & storage of wastes destined for treatment, recycling, or disposal, alongside details on how leachate generation from stockpiles will be minimised &/or appropriately managed to prevent cross contamination of materials or release of leachate to controlled waters.*
- (d) Measures to ensure safe pedestrian movement on the public highway & footpaths.*
- (e) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste from the site.*
- (f) The means of preventing track out of mud & spoil on to the highway, and preventing runoff from or excessive infiltration to the site from adversely impacting adjacent surface waters.*
- (g) The means of minimising the impact of noise and vibration arising from construction processes.*
- (h) Details of the training of site operatives to follow the Construction Management Plan requirements.*
- (i) The Asbestos Management Plan & Surfacewater Water Quality Monitoring Programme, and other specific environmental controls mentioned at section 5.5 of Delta Simons Report 19-2099.07*

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, or impacts to sensitive ecological receptors. To avoid inappropriate parking practices or the turning and manoeuvring of construction vehicles which 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), and the National Planning Policy Framework 2018.*

Appendix 1 – Elements of GEA Potentially Material to acceptance of its conclusions

1) *Saline Environmental Quality Standard (EQS), Nitrogen*

The Environment Agency had previously requested that (ground & surface-) water monitoring be compared against appropriate saline EQS.

The EQS used for ammonia within the GEA appears to derive from the Water Framework Directive (WFD) for a freshwater body. Whilst alternative saline-environment Generic Assessment Criteria (GAC) for Ammonia is available from a different source, and would appear to be met (subject to my understanding of its application being correct-); I note that closest analogous WFD quality standard for a saline environment to that referred to within the GAC differs in both its scope, and its units (it refers to 'Dissolved Inorganic Nitrogen').

The scope of the WFD standard is likely to include Nitrates & Nitrites, substances for which the Agency has previously expressed concern. The GEA does not address the WFD water quality benchmark, and I would highlight that I lack the necessary knowledge of the proper application of the WFD standard to make an independent assessment of its significance (or otherwise).

For example, I am unclear on which basis the unit-conversion ought to be undertaken, nor on whether the scope of the 'plain English' description (i.e., 'dissolved inorganic Nitrogen', WFD Standard) is directly analogous to the 'Total Nitrogen' metric referred to in Delta Simons 19-2099.09 03/12/2021. For this reason, I am similarly unclear whether it is sufficient to rely upon the difference between the results of surface water samples taken from different up- & down-stream location (which are limited in number and would not support a statistical assessment of the significance of a marginal difference), or whether a similar pathway calculation should be sought as undertaken in relation to Ammonia.

2) *WFD Pollutants not included within sampling suites*

It is noted that there are failures of WFD standards for priority hazardous substances that could be associated with Landfill Leachate. Both Langstone Harbour and the Hermitage Stream have recorded failures for Total Mercury, and Polybrominated diphenyl ethers (PBDE), and the Hermitage also has a standard failure for Nonylphenol. Of these, only Total Mercury was included within the sampling suites used within the GEA.

This is understandable, as both Nonylphenol & PBDE are not commonly included in site investigations, however, given that there are environmental failures and that the site represents a potential source of these contaminants; this is a *potentially* significant area of uncertainty.

3) *Ammonia Assessment, Southern Migration*

The GEA uses the ConSim model to estimate the contribution of the site to ammonia emissions from the site within the leachate flux. I would not agree that the assessment of this pollutant linkage is representative for the following reasons;

- The assessment considers migration within gravels beneath the southern landfill (where attenuation might occur) – rather than considering transit through fill materials (where concentrations in leachate are conceptually more likely to be 'augmented' rather than 'attenuated')
- It is unclear that the 500 ug/l EQS for ammonium is the appropriate value for comparison in this assessment; it derives from a drinking water quality standard. See comments under 1), above.
- The dilution assessment is based upon two key assumptions, i) that that an EQS failure must necessarily derive solely from the development land-, and ii) that an EQS exceedance within the entire waterbody is necessary (after 'complete mixing')- in order for the contribution to be considered significant. These assumptions depart from the typical methodology applied to controlled waters

assessments, and I would expect also from the way that EQS are applied for waterbody classification purposes.

- The assessment does not explicitly account for the 'background' concentrations at the receptor, or the available 'headroom' for deterioration within the bounds of acceptability.

Appendix 2 – Addressing uncertainty in Site Contamination Impacts on Controlled Waters & Ecological Receptors, on balance of probabilities

- 1) *Saline Environmental Quality Standard (EQS), Nitrogen*
 - i. Current WFD waterbody status would suggest that the 'Total Nitrogen' metric used in the GEA is not directly analogous to the 'Dissolved Inorganic Nitrogen' metric used for classification of a waterbody by its chemical quality.*
 - ii. Current 'high' quality status within the Hermitage would suggest that existing inputs are not unacceptable*
 - iii. There is broad equivalence between surfacewater sample results (obtained from up- and down- stream locations), which *suggests* that the site is not contributing a substantial proportion of the total Nitrogen present within the Hermitage, and
 - iv. Additional credible sources (of Inorganic Nitrogen) exist within the near vicinity
- 2) *WFD Pollutants not included within sampling suites*
 - i. The location of the detected exceedances has not been checked, and may not be proximal- (i.e., likely to be directly linked-) to the development land, and,
 - ii. Additional credible sources exist within the near vicinity; neighbouring historic landfill & reclaimed land, and wastewater treatment outfall.
- 3) *Ammonia Assessment, Southern Migration*
 - i. Current 'good' (borderline) quality status within Langstone Harbour would suggest that existing inputs are not unacceptable with respect to the waterbody classification*
 - ii. A clear attenuation gradient has been demonstrated in the assessment of the Eastern Migration, the principles of which are reasonable to conceptually apply to the Southern Migration – especially the extended flow path beneath the toe piling, which is believed to be deeper at the Southern Bund Structure.
 - iii. The Southern Migration Assessment did not account for flow through the fine matrix of the chalk (weathered surface of natural deposits, or bund material), within which attenuation is likely to occur at greater rates than are accounted for within the assumed gravel aquifer
- 4) *Sub-surface Construction*
 - i. A separate piling risk assessment is to be undertaken under an EA recommended condition, and
 - ii. The CSM provides no particular reason to expect that piles founded within the structureless chalk are likely to significantly increase the depth- or of rate- of vertical migration of leachate. Piles are anticipated to utilise displacement installation techniques to maximise skin friction (limiting potential for annulus voids acting as a preferential migration pathways), and installation depths are unlikely to be sufficiently deep as to terminate within significantly fissured chalk (weathered chalk persists to significant depth and should be structurally competent).
- 5) *Environmental Betterment;*
 - i. (Following a period of rebalancing of leachate flux, which may initially increase for a short period during construction phases-) a degree of betterment is

expected for all pollutants associated with leachate, as a result of reduction in leachate production which is likely to indirectly correspond to the reduction in infiltration across the site (reducing one source of waste-body moisture, possibly the most significant source for regions of will with the greatest decomposition potential)

6) *Policy Interpretation (Local Policy);*

- i. DM17 provides that development on contaminated land will be granted where an appropriate investigation of potential risks has been undertaken and identified risks are *mitigated*
- ii. DM17 also required that (any) necessary remediation measures must ensure that the development *does not have a negative effect* on ...the wider environment
- iii. Taken together, 6) i. & ii. above leave room for an interpretation more akin to that applied to the HRA-AA, where the ability to determine land as 'contaminated land' falls within the bounds of *reasonable un-certainty*, and is not considered *likely*.
- iv. DM17 does not refer to absolute benchmarks (e.g., exceedance of an EQS), and discusses 'impacts' and 'mitigation' in relative terms only. (Note: national policy also applies – see main text)

(* - please note, I lack the necessary expertise to comment authoritatively on the appropriate application of WFD quality benchmarks)

1.6 Hampshire Highways – No Objection

(i) Final comment

The highway authority previously commented on the proposals in the letter dated 9th April 2021. In response to these comments the applicant submitted a Hampshire County Response Noted in May 2021 seeking to address the issues raised. Since then, the highway authority, National Highways, Havant Borough Council, and the applicant have been engaged in discussions regarding the outstanding issues. The following comments relate to the May 2021 Response Note and the discussions that have taken place following this being submitted.

Pedestrian Access

In order to address the highway authority's concerns regarding pedestrian access to the site from the east, the applicant has proposed to implement a toucan crossing along Harts Farm Way to the west of the eastern vehicular access to connect to a shared use footway/cycleway within their site boundary which will be adopted as highway. This is demonstrated in drawing 205465/PD03 Rev G and will connect from the eastern site access to the pedestrian site access to the west of the site which will tie into the existing footway and crossing provision at the teardrop junction. The applicant is also proposing to implement the provision of footway eastwards of the main site access to connect to the bridge over Hermitage Stream as set out on drawing 205465/PD03 Rev G.

These works are to be on land that is either controlled by the applicant or is existing highway land. The proposed dedication of the land as public highway for the new shared use footway/cycleway and the footway east to the Hermitage Stream bridge is shown in drawing 205465/PD14.

The highway authority does not object to the principle of these works, but would look for ditches to be retained where possible and significant justification would need to be provided for any culverting of the ditch. A more acceptable solution is likely to be to relocate the ditch to the back of the proposed footway/cycleway as there is a high chance

that maintenance issues would arise as the result of any culvert relocation due to the nature of the land. This can be addressed at the Section 278 design check stage should the applicant be granted planning approval. These works will need to be implemented prior to occupation of the site.

Whilst the principle of the scheme is agreed it is subject to the following information raising no principal concerns.

- Stage 1 road safety audit
- PVM2 calculation sat alongside a report setting out all other alternatives considered.

This information would need to be provided prior to the Highway Authority signing up to the S106 agreement and therefore prior to permission being granted.

The following matters should also be noted for the detailed design stage:

- The exact location of the crossing may be altered as a result of the detailed design and to ensure it maximises the desire line for all users, whilst providing direct access to those travelling from the east to the site. It is not envisaged that a significant relocation would be necessary.
- Uncontrolled crossing facilities will need to be provided on the western access to the development to facilitate through movements across the site frontage.
- The 0.5m buff margin should be provided as verge.
- The applicant will make a S278 submission and final details of the scheme will need to be provided and approved prior to commencement, the scheme will need to be delivered prior to occupation.
- The applicant will enter into a S278 Agreement with the Highway Authority including compliance with our policy requirements prior to commencement. The agreement and adoptable highway boundary will be set at the S278 detailed design stage.

Accident History

The previous response from the highway authority requested that the accident data obtained from Hampshire Constabulary was shown on a highway plan. This has been submitted in Appendix C of the applicant's Response Note and addresses this point satisfactorily.

This shows that there is no pattern of accidents in the vicinity of the site that is expected to be exacerbated by the proposed development.

Vehicular Access

Drawings showing visibility splays and vehicle tracking have been submitted for both vehicular accesses proposed to serve the site from Harts Farm Way. The western site access has been tracked showing two private cars entering and egressing the site at the same time in Drawing 205465/PD06 Rev C. The proposal is for the western access not to allow any vehicle larger than a private car to utilise this access and this should therefore be restricted by condition.

The eastern access is proposed to serve commercial vehicles and, as such, tracking has been demonstrated in Drawing 205465/PD07/AT01 showing that two articulated HGVs can pass each other without conflict while accessing and egressing the site. This is accepted by the highway authority and both accesses will be subject to a Section 278 design check should planning approval be granted.

Trip Generation

It is agreed that applying the B2 trip generation to the whole site provides a robust, worst case scenario assessment and this results in 155 two-way AM peak trips and 102 two way PM peak trips.

An operational management plan will also need to be provided so that the routing of large vehicles can be assessed. The Highway Authority would expect the OMP to restrict HGV and commercial vehicle movements to turn left in and right out in order to access the strategic network at the Rusty Cutter/Tear Drop junction and not to utilise access via Harts

Farm Way/Solent Road and Langstone Roundabout. These areas are already heavily congested and experience a mixed use of traffic including residential, retail and considerable pedestrian and cycle trips. The OMP should be secured via Condition.

Trip Distribution

The distribution of vehicle trips associated with the proposed site has been derived from using 2011 census origin-destination data from MSOA Havant 014 as requested previously by the highway authority and National Highways. This presents the most robust assessment of the distribution of the site as it contains both Langstone Technology Park and Solent Retail Park which are both large employment sites. This is accepted.

Junction Capacity Assessment

Following a review of the junction modelling provided by the applicant, it can be seen that the proposed development is expected to have an impact on the Harts Farm Way approach to the teardrop junction. As the end user of the site is not fixed at this stage, the highway authority must assume the worst-case scenario for a robust assessment of the impact of the proposals.

While there is an impact on queue lengths at the Harts Farm Way approach to the teardrop junction in the future scenarios assessed, it is felt that the mitigation of improvements to the pedestrian and cycle infrastructure in the vicinity of the site and the public benefit they serve will reduce the number of journeys dependent on use of the private car. Due to the nature of Harts Farm Way it is also very difficult to make changes that will improve capacity and reduce queuing at this junction. Therefore, it is felt that the pedestrian and cycle provision that the development will provide has a positive impact on sustainability and mitigation is not required towards the Harts Farm Way approach to the teardrop junction.

Travel Plan

Implementation of the approved travel plan should be secured within the s106 along with provision for the Highway Authority's approval and monitoring fees, as well as an appropriate travel plan Bond.

Recommendation

The highway authority raises no objection to the proposals subject to the following conditions and obligations:

Conditions

- No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
 - (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;

- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interest of highway safety

- No vehicle larger than a private car is permitted to access the site via the western vehicular site access.

Reason: In the interest of highway safety

Provision of an Operational Management Plan and changes/implementation of any signage measures considered necessary to support HGV routing to the site via Rusty Cutter Roundabout and the teardrop arrangement to the west of the site and measures to prevent HGV routing to or from the east of the site.

Reason: In the interest of highway safety

Obligations

- The full travel plan to be submitted and approved prior to occupation along with payment of the associated travel plan approval and monitoring fees and associated bond.
- Implementation of both site accesses and pedestrian infrastructure prior to occupation with a S278 agreement entered into prior to commencement.

Officer Comment: *to avoid repetition the above conditions would be amalgamated, where appropriate, with the recommended conditions of the National Highways, if permission is granted.*

(ii) Initial Comment - Objection Pending Further Information

The application is supported by a Transport Assessment (TA) (Vectos – February 2021). In line with this, the following comments relate solely to the principle of the proposal as based upon the contents of the submitted TA and means of access only.

Internal layout and all other matters will be subject to relevant reserved matters application(s) coming forward should any planning permission to this outline proposal be granted by the Local Planning Authority (LPA).

This proposal has been subject to pre-application discussions with Highways Development Planning (HDP) in its role as representatives of the Local Highway Authority (LHA). The applicant submitted a Transport Scoping Note (TSN) in September 2020 and a response was subsequently provided by the LHA on 6th October 2020.

Pre-Application Response

Prior to the application coming forward, the application team engaged in pre-app discussions with the LHA and subsequent to the submission of a TSN a response was provided which included the following salient information:

1) Footway/Cycleways

The applicant was advised that any future TA would need to consider how any future development would tie into the existing PROW. The existing PROW is

considered to be a good quality sustainable travel connection between the site and the residential area of Bedhampton and that the applicant should engage with HCC Countryside Services to determine how any future development could improve this route.

It was considered that any future application would need to consider an additional pedestrian/cycle crossing point of Harts Farm Way which would avoid the need for pedestrians and cyclist to cross at the junction of Harts Farm Way and the strategic network of the A27.

Footway/Cycleway provision was not included on pre-app plans for the northern flank of Harts Farm Way and the applicant was required to consider how this could be accommodated within any development proposal coming forward.

It was considered that the scheme presented at pre-application stage was lacking in sustainable travel provision and not aimed at providing a particularly high or even good quality of pedestrian/cycle accessibility and that pedestrian activity arriving from the east would have to travel a significant length of Harts Farm Way in order to access the site.

2) Public Transport

It was identified that access to public transport provision was at the upper reaches of comfortable pedestrian access and it was requested that any future Transport Assessment identifies measures in which to promote and encourage the use of sustainable transport facilities in the local area.

In addition, a walking and cycling audit was required to be undertaken to establish where deficits in local infrastructure could prevent sustainable travel to and from the site.

1) Car Parking

An assessment of parking was requested for both B1(c) and B2 uses if these were to come forward above the assessment of B8 given the higher quantum associated with these use classes. Depending upon the results, the Highway Authority may request a TRO along Harts Farm Way in order to prevent any overspill upon the public highway network.

2) Site Access

Following assessment of the access provision presented at pre-application stage it was confirmed that any application coming forward would need to fully assess proposed access dimension, junction radii, include a Stage 1 Road Safety Audit and appropriate Designer's Response, vehicle tracking for two pantech icons passing at the eastern access, tracking for the most onerous vehicle sizes utilising the western access (including estate cars passing) along with speed surveys in compliance with HCC's Technical Guidance Note 3 in order to inform actual vehicular visibility requirements.

3) Trip Generation

Trip rates and associated methodology were agreed at pre-application stage and two-way trip rates of 117 and 82 movements in the AM and PM peak hours respectively were agreed in regard to B1(c) land use with 124 and 82 movements respectively for the AM and PM peaks for the proposed B2 use.

Importantly, it was noted that any B1 office provision that was stated as being ancillary to the main use had not been accounted for in the above trip rates and as such this had not been agreed and any assessment coming forward would need to appropriately consider this use.

4) Traffic Distribution

The distribution of traffic from census data was from Havant 018 MSOA was proposed and in order to ensure that the data was specific to the site location it was stated that Havant 018F MSOA should be utilised.

Detailed trip assignment/distribution diagrams were stated as being required in order to fully assess impact upon local junctions for the routes identified in the Transport Scoping Note.

5) Traffic Assessment

Given the flexibility of the land use(s) as presented within the TSN, it was conformed that the worst-case scenario utilising B2 trip rates were required for junction modelling.

It was noted that given the possible changes to trip assignment it was not possible to fully confirm which junctions should be subject to operational assessment, however from the broad trip assignment presented within the TSN this would include the A3/A27 "Teardrop" junction along with the "Rusty Cutter" roundabout.

It was also stated that given the COVID-19 situation at the time (October 2020), traffic surveys were/are being approached on a site by site basis.

It was stated that whilst traffic flows had been steadily increasing, it was uncertain whether recent government announcements would reduce traffic flows again.

It was therefore considered that traffic surveys should be undertaken at Harts Farm Way, the A3/A27 teardrop junction and Rusty Cutter roundabout to understand the current flow levels.

Sensitivity testing could then be applied to each of these junctions by considering data from the Forty Acre Farm application (planning reference APP/18/00450) and uplifting these flows with TEMPRO data.

Should the traffic survey flows be similar to the TEMPRO uplifted data then they could be considered robust, otherwise the flows may need to be uplifted to match the TEMPRO data.

It was stated that once traffic surveys had been undertaken and the flow levels agreed, modelling should be undertaken for the aforementioned junctions.

The Highway Authority would expect to see the following scenarios modelled:

- 2020 with and without development traffic;
- 2025 with and without development traffic; and
- 2030 with and without development traffic.

With both the 'with and without development' scenarios provided it would be possible to ascertain the development impact at both of the junctions.

It was considered that this approach may need to be taken to further junctions if the revised distribution assessment required it.

Application Site and Context

The application site is located to the south-west of Havant and Bedhampton on vacant land reclaimed land previously utilised for refuse/waste landfill purposes.

Access to the site is currently taken from a simple priority junction with Harts Farm Way

broadly to the centre of the site.

Three separate illustrative site layout plans have been provided, however regardless of internal layout options, all three share the same proposals for means of access.

The local highway network to the site consists of the Harts Farm Way to the 4-arm roundabout junction to the east forming a junction with Brockhampton Road, Brookside Road and Southmoor Lane, along with the strategic network of the A27 and A3(M) which junctions with the A2030 Havant Road and Bedhampton Hill at the “Rusty Cutter”/Bedhampton Roundabout.

Site Accessibility

Currently there are two forms of pedestrian access to the site, firstly via the existing vehicular access and secondly via the footbridge to the north across the A27 which runs through the site and links up with the existing vehicular access in a generally northeast to south westerly direction.

Externally to the site, a dual footway and cycleway is provided along the southern flank of Harts Farm Way and runs the entire length of the site and beyond to both the north and the east.

This shared provision links up with a dedicated informal pedestrian crossing point of Harts Farm Way at the “tear drop” junction with the A27 to the west of the site and to the further commercial/industrial area to the east.

At this crossing point a small section of footway leads to the north and northeast along the northern flank of the site. There is no pedestrian/cycle footway provision along the northern flank of Harts Farm Way to the south and west of the site.

Wider to the site there are footways and cycleways which link the site location to the residential area of Bedhampton to the north across the A27.

The application site is not considered to be particularly well served by footway/cycleway provision in the context of the site being development for the intended use.

In addition to this, the application site is not considered to be particularly well served by public transport services with the nearest bus stop being circa 1km walk distance away situated upon the A2030 Havant Road to the northwest of the site, however a number of peak hour services are available at an equal or better than 2 services per hour provision to significant local areas.

Walking and Cycling Audit

An audit of six agreed walking and cycling routes to/from the application site has been undertaken. The audit has not identified any deficits.

The Highway Authority however does consider that the existing pedestrian crossing at the western portion of Harts Farm Way is potentially inadequate not sufficient to serve the proposed development of this size and that persons will have to travel and unreasonable and unlikely distance to cross at this point.

The proposed development is required to undertake further review of this provision and to propose improvements in this regard.

The proposed development is not also considered to have adequately assessed how the proposal will link and tie into the existing PROW (route 30). The application is expected

to offer assessment and improvements to what is considered to be a significantly important pedestrian linkage to the site from the Bedhampton residential area

PIA Data

Personal Injury Accident (PIA) data has been obtained from Hampshire Constabulary for the most recent 5-year period available at the time of publication of the submitted TA (May 2015 – May-2020).

The results of the data are presented in tabular format within the TA and the raw data obtained is provided within Appendix D.

Whilst the data does confirm a not insignificant volume of accidents, the information would suggest that there were no specific clusters in proximity to the application site or any apparent causal factors cited in regard to the public highway network.

That being said, the PIA assessment should plot the accident data onto a relevant highway plan or order for tis office to fully appraises the data. This should be provided within a TA addendum for appropriate review before it can be considered that there are no existing accident trends that this proposal would likely exacerbate.

Proposed Development

The outline application puts forward three illustrative layouts for one-, two- or three-unit schemes resulting in the following:

- One Unit Scheme – 28,392sqm (GIA)
- Two Unit Scheme – 27,985sqm (GIA)
- Three Unit Scheme – 27,471sqm (GIA)

Policy Compliance

The submitted TA is provided with a Policy Context review which includes for the National Policy citing the NPPF and NPPG.

Regional Policy includes for the Hampshire Local Plan 3 and Local Policy relating to the Havant Borough Core Strategy, The Havant Borough Local Plan (Allocations) and the Draft Havant Borough Local Plan along with the Havant Borough Council Parking Supplementary Planning Document which dictates HBC's adopted parking standards as appropriate for this development proposal.

The Policy Context review alludes to the proposal being policy compliant at national, regional and local levels and is demonstrated as such within the submitted TA.

Following review, it would be concluded that the proposal does broadly fall under a policy compliant scheme noting that within the Havant Allocations Plan, the site is allocated for 23,400sqm of new manufacturing or warehousing floorspace and whilst the proposal would fall above this quantum the changes for the Inspector to consider as part of the Examination of the Local Plan state that the allocations should be set as "about" rather than maximum or minimum levels of floorspace.

Access Strategy

Irrespective of development quantum, all three illustrative schemes provide two points of vehicular access to the site with the primary access servicing the operational facility to

the east on off of Harts Farm Way with a secondary access to the west.

The existing access to the site will be removed as part of this proposal which is supported.

Regardless of the three illustrative schemes presented, the submitted assessment provides an appraisal of vehicular visibility within the body of the TA demonstrating that visibility splays of 2.4m x 43m can be achieved at the primary site access in line with the guidance as set out within Manual for Streets (MfS). This corresponds with the Appendix B of the plans submitted with the pre-application enquiry.

The corresponding plan however as presented within the TA at Appendix E is contrary to the body of the TA where it provides vehicular visibility splays at both the eastern and western accesses of 2.4m x 59m and 67m based upon an anticipated speed of 35mph and 38mph respectively.

The above visibility splays however are not referred to within the body of the TA. Section 4.7 of the submitted TA states that "Following discussions with HCC it was agreed that the required visibility splays should be provided in accordance with observed speeds on Harts Farm Way".

This is considered to be inaccurate and insufficient in terms of assessment. The provided pre-application response is explicit in its guidance that speed surveys were required to be undertaken in compliance with HCC Technical Guidance Note 3 in order to inform the visibility requirements for the proposed accesses.

This is missing from the assessment and the applicant is required to undertake suitable speed surveys in order to determine 85th %ile wet weather speeds for vehicular visibility requirements.

Given the current Covid-19 pandemic and its impact upon traffic volumetric and speed data, the required speed survey methodology would need to be discussed and agreed with the Highway Authority prior to the surveys taking place.

Notwithstanding the above further significant concerns in regard to the proposed access strategy are raised. In line with the requirements of HCC Technical Guidance Note 18 and explicitly referred to with the corresponding pre-application enquiry, any application coming forward was/is required to be supported by a Stage 1 Road Safety Audit and corresponding Designer's Response.

The required Stage 1 RSA is missing from the assessment and the applicant is required to have this undertaken in line with TG18 and this along with the appropriate Designers' response should be submitted for review.

In regard to the access strategies as proposed, the submitted TA is supported by vehicle tracking swept path analysis at Appendix F.

Vehicle tracking has been provided for the access, service yard and car parks for illustrative options.

Irrespective of development quantum, all three illustrative schemes provide two points of vehicular access to the site with the primary access servicing the operational facility to the east on off of Harts Farm Way with a secondary access to the west.

The existing access to the site will be removed as part of this proposal which is supported.

Drawing 205465/AT/A01 revC provides tracking for a max legal 16.5m articulated vehicles traversing the site access for both ingress and egress manoeuvres for left turns and this has been demonstrated as being able to be achieved in a safe and efficient manner.

Drawing 205465/AT/A01 revC also demonstrates internal traverse manoeuvring and turning with associated HGV bays which again is considered to be acceptable.

Drawing 205465/AT/A02 revC demonstrates vehicle manoeuvres for a standard design vehicle of 4.8m in length for access, egress and turning and parking within the site.

Whilst considered to be acceptable on face value, the pre-application enquiry response required an estate car to be tracked and as such this vehicle tracking should be provided with a design vehicle of at least 4.9m in length.

Similar vehicle tracking for the additional illustrative site layouts is provided in Drawings 205465/AT/A03 revC, 205465/AT/A04 revC, 205465/AT/A05 revC, 205465/AT/A06 revC, 205465/AT/A07 revC and 205465/AT/A08 revC.

These are considered to be broadly acceptable subject to the details above for design vehicle however there are some notes of concern which are required to be addressed.

It is noted that no tracking has been provided for max legal 16.5m articulated vehicles for right turns into and out of the site and this is required.

Drawing 205465/AT/A08 revC shows an HGV parked adjacent to a row of perpendicular car parking spaces. It is questioned with an HGV in this position as to whether a vehicle could park in these bays in a safe and efficient manner. Clarification is required in this regard.

Clearly any reserved matters applications that come forward in the future post any planning permission that may be granted will be required to provide parking standards fully in line with HBC adopted standards and any departures from standards would need to be stringently assessed along with any proposals to prevent parking on the public highway, specifically Harts Farm Way.

Servicing

Given the outline nature of the proposals, servicing has already been covered in these comments in regard to vehicle tracking.

Parking provision requirements for max legal 16.5m HGV vehicles will be required in line with HBC adopted standards.

Travel Plan

A framework Travel Plan has been provided at this stage which is considered to be broadly acceptable given the outline application status.

A suitably worded condition will be attached to any planning permission that may be granted requiring a full Travel Plan to be provided in accordance with a full development quantum application for reserved matters and would be subject to review by HCC's Travel Plan Team.

A full Travel Plan would be expected to set targets for achieving a reduction in single occupancy car trips and robust monitoring procedures, however, is likely to be flexible in its design given any potential future restrictions imposed by the UK Government of the time in relation to Covid-19 or other similar situations.

Early engagement with HCC in that regard would be recommended.

Traffic Generation

In order to determine likely traffic generation, the submitted TA utilises a "worst case" scenario of 29,000sqm (GIA) broken down by trips associated with the potential land uses being E, B2 and B8.

B1a has been omitted citing its ancillary use to the above and assumed to be included within TRICS.

In order to determine trip rates, the TRICS database has been interrogated to form an appropriate data set for extrapolation of trip rates for E and B2 uses.

Parking Provision

Given that the application is provided as outline with access only to be considered detailed parking provision comments are provided as illustrative only based upon the illustrative layouts as presented within the TA.

HBC will need to determine in their capacity as local parking authority that the level of parking provision proposed falls in line with adopted standards, however a review is provided below:

For the purposes of the TA, parking provision has been based on a development which is for solely B8 use and would fall broadly in line with minimum adopted standards.

The TRICS data has been reviewed and is considered to be sufficiently representative for E and B2 uses and would equate to the following:

- Use Class E – 146 two-way AM Peak and 102 two-way PM Peak
- Use Class B2 - 155 two-way AM Peak and 102 two-way PM Peak

In regard to B8 trip rates it has been deemed that TRICS does not provide sufficiently representative sites for comparison and as such a specific single site has been surveyed (TNT Dartford) given its similar characteristics to the proposed development.

Whilst it is not considered to be completely comparable, assessment of TRICS for sites available would point to the trips rates being generally representative and as such is considered to be acceptable for use within the assessment on face value.

A concern does exist however, that whilst utilising a development Quantum of 29,000sqm as a worst-case scenario, three potential options have come forward as illustrative layouts and the traffic generation of the assessment does not directly reflect this in that the TA would suggest the likelihood of a mixed use site coming forward.

With that in mind, the following comments are based upon the information as submitted within the TA, however for assessment purposes at outline stage the assessment is considered to be deficient, and a TA Addendum should be supplied that provides a traffic generation sensitivity assessment that a range of development quantum of the proposed land uses.

This is considered to be a more appropriate approach to determining likely development quantum impacts.

A further concern is provided in regard to the assessment of any B1 being ancillary to the overall quantum. The amount of B1 floorspace will ultimately be a determining factor as to whether it is considered ancillary to the overall quantum or not.

As such the above required sensitivity test also needs to include for a range of B1 floorspace for each illustrative option.

Clarification as to whether the site is available for parcel distribution services will also be required by the applicant. If this is to remain a possible option it may well require its own assessment in line with the sensitivity tests defined above owing to the differences in trip rates throughout the day/24 hour period and not just AM Peak/PM Peak/Daily trip rates.

Trip Assignment and Distribution

In order to derive trip assignment across the local highway network, 2011 census origin-destination data has been utilised within the TA.

This was provided at pre-application stage using MSOA Havant 018, HCC advised that traffic should be assigned by using LSOA 018F given that this reflects the actual site location.

Investigation by the applicant suggests that the lower layer data is not available and given the route choose queries provided at pre-application stage, census data for the neighbouring Havant 014 has been used.

In principle this is considered to be acceptable given that Havant 014 does contain Langstone Technology Park and Solent Retail Park, however in the required TA Addendum a further sensitivity test against the trip assignment utilised should be provided giving a comparison between the differences for trips assigned using Havant 018 and Havant 014. This can then be reviewed and confirmed as being acceptable to the Highway Authority.

In line with the assessment of this proposal throughout, the following operational assessment review comments are based in-principle against what is provided within the TA for trip assignment across the network.

Operational Highway Assessment

Highway Network of Interest

The submitted TA determines that the highway network of interest forms the following junctions:

- A27/Harts Farm Way (Teardrop) Roundabout;
- Rusty Cutter Roundabout
- Proposed Site Accesses

As detailed above, based upon pre-application discussions and the trip assignment exercise provided within the TA this is considered acceptable in principle, however this would need to be finally determined based upon the results of a trip assignment sensitivity test to be provided with an Addendum TA.

Baseline Data

Given the existing Covid-19 situation the submitted TA has determined that it is not possible undertake traffic surveys that would be representative of "normal" traffic conditions prior to the pandemic and as such has utilised baseline data from the consented Forty Acres Farm development to the northwest of the site.

Whilst in-principle this may be considered acceptable, the Highway Authority confirmed at pre-application stage that survey data was/is being considered on a site-by-site basis and it was considered that traffic surveys should still be undertaken upon the highway network of interest in order to understand current baseline traffic levels.

Sensitivity testing could then be applied to each of the junctions by considering baseline data from the Forty Acres Farm development and uplifting these flows with TEMPRO data. Should the uplifted data be similar to the surveyed data then they could be considered to representative and robust.

Once these surveys had been undertaken and flow levels agreed, modelling could then be undertaken.

This approach appears not to have been followed and the assessment simply identifies the Forty Acres network peak and has applied the proposed development peak to the same timeframe.

This is not considered to be a fully robust methodology and order to fully assess the baseline data the above approach still needs to be followed. Again, this will need to be undertaken and covered within an Addendum TA.

Similarly, in line with the assessment of this proposal throughout, the following operational assessment review comments are based in-principle against what is provided

within the TA for baseline data and comments are provided on face-value in this regard.

Traffic Growth

Caveated against the baseline data methodology deficiency identified, traffic has been growthed using TEMPRO from the survey year (stated as 2016) to a base year of 2020 and future base years of 2025 and 2030.

Clarification from the applicant is required as to the base year of 2016 given that the Fort Acres Farm application utilised data from 2015 and 2017, however it is assumed that 2016 has been chosen to extrapolate between the two dates.

Assessment Years/Scenarios

The following assessment scenarios have been derived:

2016 Observed

- 2020 Base
- 2020 Base + Development
- 2025 Future Base
- 2025 Future Base + Development
- 2030 Future Base
- 2030 Future Base + Development

The scenarios derived above are considered to be appropriate, however a concern exists in regard to methodology in that the scenarios are based upon the “worst-case” one unit scheme of wholly B2 use.

Whilst this is considered to be appropriate in-principle there is a discrepancy between what is determined as the “worst-case” scenario given that the highway operational assessment is based upon a wholly B2 use yet the parking provision is based upon a wholly B8 scenario.

Whilst not directly affected with the operational assessment, good practice should dictate that the defined “worst case” scenario should be consistent throughout the assessment and this should be reflected within the future work to be submitted.

It should be noted that whilst the modelling outputs have been reviewed on face value, the future TA addendum to be provided should be supported by design drawings marked up illustrating the relevant dimensions utilised for the models for review.

Primary Site Access

The primary site access has been modelled only for the “with development” scenarios which is appropriate and has been modelled using PICADY (**P**riority **I**ntersection **C**apacity **A**nd **D**elay).

Based upon the information presented within the TA in regard to traffic flows and trip assignment and trip rates the results demonstrate the following:

The primary site access in isolation assessment demonstrates that the junction is predicted to operate well within theoretical capacity limits with a maximum Ratio of Flow to Capacity (RFC) of 0.34 with an associated maximum queue length (MaxQ) of 0.5 passenger car units (pcus) occurring on the site access arm of the junction during the 2030 base + development scenario during the PM peak hour.

Primary Site Access with Secondary Access

With both primary and secondary accesses in operation the primary site access would

be predicted to operate well within theoretical capacity limits with an RFC of 0.14 with an associated MaxQ of 0.4pcus occurring on the Harts Farm Way (westbound) arm of the junction during the 2030 base + development scenario during the AM peak hour.

Secondary Site Access with Primary Site Access

With both primary and secondary accesses in operation the secondary site access would be predicted to operate well within theoretical capacity limits with an RFC of 0.38 with an associated MaxQ of 0.6pcus occurring on the site access arm of the junction during the 2030 base + development scenario during the PM peak hour.

A27/Harts Farm Way Teardrop Roundabout

The Teardrop roundabout is partially signalled and has been operationally assessed using LinSig (**L**incolnshire **S**ignals).

The modelling results would predict only a minor impact upon the operation of the junction.

LinSig modelling predicts the ratio of demand to capacity for each phase of traffic passing through the junction. This is considered as the Degree of Saturation (DoS) with a value of 90% indicating an arm is operating at its practical capacity.

Practical Reserve Capacity (PRC) is calculated from the above DoS and is a measurement of what level of additional traffic can pass through the junction as a whole.

The Mean Maximum Queue (MMQ) provides an estimation of how the overall junction performance may impact adjacent junctions on the network.

The results of the operational modelling demonstrate that during the 2030 Future + Base scenario the junction would experience a DoS of 92.4% occurring on the A27 Link Road arm (ahead) during the AM peak hour with a PRC of -2.7%.

This is compared to the 2016 observed flows illustrating a DoS of 72.3% and a PRC of 16.1% and the 2020 base scenario of 77.1% and a PRC of 10.8% when associated with similar junction phases.

The 2030 base + development scenario compared to the 2030 base only scenario demonstrates a negative PRC which would indicate that the junction begins to operating over capacity as a whole during the AM peak hour.

Given the links contained on the junction for the strategic network, Highway England will need to assess this modelling once a TA addendum with updated information comes forward.

Rusty Cutter Roundabout

The Rusty Cutter Roundabout is also partially signal controlled and has been operationally assessed using LinSig.

Again, the modelling results would predict only a minor impact upon the operation of the junction.

The results of the operational modelling demonstrate that during the 2030 Future + Base scenario the junction would experience a DoS of 91.0% occurring on the A3 southbound off-slip road entry lanes) during the AM peak hour with a PRC of -1.1%.

This is compared to the 2016 observed flows illustrating a DoS of 75.8% and a PRC of 17.8% and the 2020 base scenario of 81.0% and a PRC of 11.0% when associated with similar junction phases.

The 2030 base + development scenario compared to the 2030 base only scenario demonstrates a negative PRC which would indicate that the junction begins to operating over capacity as a whole during the AM peak hour.

Given the links contained on the junction for the strategic network, Highway England will need to assess this modelling once a TA addendum with updated information comes forward.

Summary

Given the comments provided, whilst there continues to be no in-principle broad objections to a scheme of this nature coming forward at this site in highways terms there have been a number of concerns raised in regard to both the assessment and aspects of the assessment methodology to date.

A number of items have been highlighted as requiring further assessment, redefined assessment, and sensitivity testing.

With that in mind the Highway Authority raises a standing objection to the proposal pending submission of the further highlighted information for review.

1.7 Natural England No Objection

(i) Final comment

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal **representation on appropriate assessment** given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 6th December 2021, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. Our advice in relation to the measures required to address impacts to designated sites is outlined below.

Water Quality

The supporting Water Quality Review For HRA (Ricardo Energy & Environment November 2021) identifies 4 potential risks to water quality from the former land fill use of the site which could impact on the Solent Maritime Special Area of Conservation and the Chichester & Langstone Harbours Special Protection Area and Ramsar site. These include; piled foundations, water settlement and leachate, leachate mobilisation of pollutants, and elevated concentrations of ammoniacal nitrogen species in surface water and ground water. Mitigation measures include; reduced infiltration due to large areas of hardstanding within the proposed development; removal of waste material during groundworks; prevention of direct discharge of leachate through removal or blocking of any derelict drainage channels found; and implementation of a construction environmental management plan including regular surface water quality monitoring.

Your appropriate assessment concludes that your authority is able to ascertain that the proposals will not result in adverse effects on integrity of the European site because the suggested measures above are sufficient to prevent further deterioration of water quality from the development and will lead to a potential betterment in surface water runoff.

Provided the Environment Agency is in agreement and the measures set out above are appropriately secured, Natural England agrees that there will be no adverse effect on integrity of the above European sites.

Loss of SPA supporting habitat

A financial contribution has been agreed to address the loss of supporting habitat as a result of the development. It is noted that this will be secured through the legal agreement and Natural England agrees with this approach.

The appropriate assessment confirms that the mitigation contribution could be used to bring forward the Broadmarsh bird refuge, a strategic mitigation site which will be managed as a permanent nature reserve, or a similar permanent refuge at an appropriate alternative location. Natural England recommends that these details are agreed and progressed at the earliest opportunity. Provided this is the case and the mitigation work can be delivered in a timely manner to address the loss of supporting habitat from this development, Natural England raises no further comments. We would be happy to discuss this further in due course.

Construction impacts

It is noted that a construction environmental management plan (CEMP) will be secured with any planning permission to address impacts from construction work on the SPA and its functionally linked land. The supporting noise assessment concluded that the proposed construction works and piling activity are unlikely to have any significant impact due to existing noise levels in the surrounding area and recommend measures to further reduce any likely noise impacts. Nevertheless we recommend the use of soft start vibro-piling and consideration of ceasing piling activities should the temperature fall below zero for a period of 3 consecutive days during January to February as precautionary best practice measures. Provided the CEMP includes these measures to prevent noise, lighting and visual disturbance on supporting habitat, Natural England agrees there will be no adverse effect on integrity of the sites in question.

(ii) Further Comment - Further Information Required.

SPA functionally linked land

The application is supported by a shadow Habitat Regulations Assessment which sets out that “as compensation for the loss of the Low Use Site H08 and its potential to contribute to the SWBGS network, a financial contribution, secured by a section 106 agreement, will be made by the developer as required by the SWBGS to facilitate the creation, enhancement or management of suitable habitat of value to waders and brent geese elsewhere within the SWBGS network as per the SWBGS Mitigation Strategy”

We note the applicant’s response to the HCC Ecologist states it incumbent on the local authority to identify a mitigation project to which the applicant can make financial contribution. Recent revisions to the Solent wader and brent goose strategy mitigation guidance sets out that the Habitats Regulations Assessment and Appropriate Assessment for any development proposal will need to include details of the project that any offsetting funding will contribute to. In the first instance, the local planning authority should be contacted to see if there is an appropriate strategic scheme in place. Alternatively, the applicant will need to identify a bespoke mitigation scheme that the offsetting funding can contribute to.

Construction impacts

The application is construction environmental management plan, we advise this should be

submitted to and approved by your retained Ecologist. Details of any mitigation measures should be included in the Appropriate Assessment and secured by appropriately worded condition to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

(iii) Initial comment - Further Information Required

As submitted, the application could have potential significant effects on Chichester & Langstone Harbours Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further details of how the financial contribution will directly mitigate the impact from the loss of the Solent Wader and Brent Goose Strategy Low Use site
- An assessment of indirect effects to SPA functionally linked land and mitigation where impacts are identified
- A Construction Environmental Management Plan
- A Habitat Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

SPA functionally linked land

The application site is identified in the Solent Waders and Brent Goose Strategy as Low Use site H08, it also adjacent to a Core Area H07A, a Secondary Support Area H07B and a Low Use site H07C. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development.

All Low Use sites have the potential to be used by waders or brent geese and these sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network and proportionate mitigation, off-setting and/or enhancement measures will be required. The application is supported by an Ecology Report (Applied Ecology February 2021) and Planning & Design Statement (Michael Sparks Associates February 2021) which sets out that a financial contribution will be made to the Solent Wader and Brent Goose Strategy to compensate for the direct loss of Low Use site H08.

Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain

complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

Therefore, it is also Natural England's advice that further detail is required to inform the Appropriate Assessment with regards to how the financial contribution will directly mitigate the impact from the loss of the Low Use site; i.e. how it will be used to maintain and enhance the wider network within the Borough in a timely manner.

It is Natural England's advice that the proposed funding should be managed by the respective local authority to support schemes across the network, this includes those in neighbouring authority boundaries. Where no such strategic schemes are currently available, the onus falls to the applicant to provide a suitable mitigation solution.

Suitable mitigation solution requirements

The aim of the Strategy is to ensure that the current geographical spread of sites across the network is maintained and enhanced. In order to safeguard the network from long-term degradation of number and importance (classification) of sites, mitigation will need to be appropriately designed to address the loss and ensure the continued ecological function of the network in a timely manner.

Mitigation can come in the form of a new 'bird refuge' situated in an appropriate locality within the network. Alternatively, proposals can come forward that seek to enhance, manage and raise the importance of an existing site within the network.

Each mitigation scheme will be assessed on its own merits and on a case by case basis, based on the submitted evidence. A suitable mitigation scheme will need agreement by Natural England and the competent authority as necessary and further detail of offsetting areas is included in the Solent Waders and Brent Goose Strategy guidance note.

Mitigation schemes should consider:

- Provision and/or enhancement of suitably sized areas with habitats and features for waders and/or brent geese. Enhancement features can include the provision of scrapes for loafing and as freshwater sources;
- Consideration of recreational or other disturbance. Access management and screening measures may be necessary;
- The provision and ongoing management of the scheme specifically for the waders and / or geese, delivered and managed by a suitable third party (such as LPA or NGO partner (or similar stable management body such as Land Trust) in perpetuity);
- A protocol for long term monitoring and how any adaptive measures will be secured.

Such measures should be supported by an agreed and costed habitat management plan with appropriate level of funding secured in perpetuity.

Where a deliverable and funded mitigation scheme comes forward that addresses the above requirements, Natural England considers the impacts on the SWBG network as a result of the proposals can be suitably addressed.

An agreed and deliverable mitigation strategy could address the potential for direct and indirect significant effects arising from the development on the qualifying features of the Solent and Southampton Water SPA. Guidance on the off-setting and mitigation requirements has been issued to local planning authorities and this sets out the necessary measures to avoid impacts. Securing early commitment to this mitigation will

ensure the potential significant effects have been addressed.

Indirect impacts

The ecology report does not discuss indirect impacts to the adjacent SWBGS sites H07A; H07B and H07C, therefore further assessment of indirect impacts is required and mitigation where impacts are identified. Indirect effects may arise from increased recreational pressure and access to sensitive sites; overshadowing and lighting from new buildings; or noise and visual disturbance from construction work on land adjacent to sensitive sites. These activities and the presence of built form may reduce the functional area of a site available to roosting and foraging SPA birds.

Due to the proximity to Chichester & Langstone Harbours SPA and SPA functionally linked land. Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

The CEMP should ensure there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

In addition, Natural England would advise on the following issues.

Protected species

- Natural England refer your authority to our national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2019 as amended), paragraphs 8, 118, 170, 174 and 175d. Natural England recommend that an appropriate level of enhancement, such as the addition of bat boxes and/or bird boxes, are secured as part of this application.

1.9 Planning Policy – No objection

NB Policy comments were previously provided in March 2021. The position with regard to the emerging Local Plan has since changed, with the Havant Borough Local Plan being withdrawn in March 2022. The following comments are written to address this material change in the local policy position.

Policy Status:

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. Following the receipt of the Inspectors' Interim Findings, the Examination was concluded, and the Havant Borough Local Plan was formally withdrawn on the 16th March 2022.

The following policies are of particular relevance:

- CS2 – Employment
- CS14 – Efficient Use of Resources
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development
- HB2 (BD11) – Brockhampton West

In addition, Policy 19 – Aggregates wharves and rail depots of the Hampshire Minerals and Waste Plan is of relevance.

Principle of Development

The site is allocated for 23,400 square metres of new manufacturing and/or warehousing floorspace, supporting between 334 and 650 jobs under site reference BD11 in Policy HB2 of the Havant Allocations Plan. It should be noted that the description of the development is to provide up to 29,000 sq.m (gross internal area) for flexible use across use classes E (light industrial), B2 and B8 with ancillary and the proposals would therefore slightly exceed the quantum of development envisaged by the allocation in the Adopted Local Plan.

Development Requirements:

The emerging site allocation Policy C11 sets out development requirements which should be considered in the determination of this application. A number of key matters are highlighted below.

Landscape impact:

The site allocation sets out a requirement for a Landscape Assessment given the landscape sensitivity of the site, and the likely impact of development on any changes to views from Langstone Harbour. It is noted that the submitted report concludes:

“Overall, the proposed site layout would result in a low magnitude of change and a minor adverse effect on landscape character. We do not consider that the proposed site layout for a 29,000 sqm floorspace scheme would result in any significant effects above those previously assessed within the Council’s LVIA. The effects on landscape character would

be localised in nature given the commercial and industrial context.”

It is noted that the Council's Landscape Team has provided further advice on this matter.

Solent Waders and Brent Geese:

The western part of the site is classified as 'Low Use' (reference H08) for Solent Waders and Brent Geese (SWBG) within the [Brent Geese and Wader Strategy \(October 2018\)](#). Development proposals on, or adjacent to, site which are used by Solent waders and/or Brent Geese need to be assessed in line with the appropriate regulations. In such cases, offsetting and/or enhancement measurements will be required in the first instance. Where this has been demonstrated to not be practical or feasible and impacts cannot be avoided or adequately mitigate on-site, off-site options and / or compensation funding should be considered.

Paragraph 7.70 of the submitted Planning Statement indicates that a financial contribution is proposed to be made to secure the provision of new or enhanced habitat for Brent Geese is an offsite location based on a site area of 4.5ha. In this respect, Table 1 in the SWBG Strategy provides indicative costs for creating and managing replacement habitat per hectare.

Aggregates wharf and depot:

The south-eastern corner of the site is safeguarded for mineral processing, as such Policy 19 of the Hampshire Minerals and Waste Plan is of relevance. The policy identifies Bedhampton Wharf as an existing aggregate wharf and states that capacity at such sites will where possible and appropriate be maximised to ensure that there is sufficient capacity for the importation of marine-won sand and gravel and other aggregates. It is noted that Hampshire County Council as the relevant local minerals authority has provided further advice on this matter.

Low carbon design:

Non-residential development over 500 sq. m is expected to meet the BREEAM 'Very Good' standard, unless proven to be financially or technically unviable in line with Policy CS14 of the adopted Core Strategy.

The submitted BREEAM report includes a 'Shell & Core' Pre-Assessment which demonstrates that the development would be able to achieve a standard of 'Very Good' based on a score of 57.57%.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Summary:

The quantum of development envisaged by the development proposals would slightly exceed that envisaged by the allocation in the adopted local plan. Subject to the detailed matters being satisfactorily addressed including landscape, SWBG and minerals and waste, the development proposals are supported in policy terms