

Mrs Madalene Winter  
Head of Planning  
TVBC Beech Hurst  
Weyhill Road  
Andover  
SP11 3AJ

Dear Mrs Winter

**FORMER ANDOVER AIRFIELD - APPLICATION NO 07/01951/OUTN**

On Monday 1<sup>st</sup> September, at the Northern Area Planning Committee (“NAPC”) for the above application, you indicated that you had not received a response from STOP in relation to the agenda papers for the NAPC. We were unaware that you were expecting a response or that we had a right to respond. We have therefore now taken the time to provide you with our considered comments on the agenda papers. These comments take into account the points which were agreed on the night of the NAPC meeting. All references to page numbering in this letter refers to the corresponding page of the agenda papers of the NAPC meeting.

Whilst we have taken the time to comment on these papers and the fundamental errors within them our position is unchanged. We do not support this application due to its deviance from and numerous breaches of the Local Plan, Regional Spatial Strategy, the draft South East Plan and the Hampshire County Structure Plan Review and Planning Policy Guidance and Statements.

Neither does this mean we approve of the proposed section 106 agreement. We are highly concerned with the number of important issues which are being incorporated into the section 106 as opposed to conditions of the planning permission. Especially when under s106A(3) the applicant can apply for the obligations within the agreement to be modified or discharged 5 years from the date on which the obligation is entered into. The officers have confirmed the development is not acceptable without the section 106 agreement. Yet as the section 106 agreement can be challenged within 5 years the matters within the section 106 are neither secure nor guaranteed. These currently include the routing agreement, monitoring, infrastructure works and alternative road infrastructure works if the applicant breaches the HCV capping. These are fundamentally important to mitigating the impact of this oversized development and the application and officer’s report should incorporate detailed information on each of these issues rather than tucking them to one side as part of the section 106. For example there are serious problems with the effectiveness and enforceability of the routing agreements. HGVs making “local deliveries” from the distribution centre and local employees are excluded from the routing agreements and can freely travel along prohibited routes by virtue of a White List. The White List completely undermines the purpose of the routing agreements. Further the applicant claims in its vehicle identification scheme proposed report that there would be conditions in the lease signed by prospective tenants to agree to manage vehicle movements in the local area. The leases have yet to be negotiated. There is no guarantee any of the tenants would accept such an onerous condition which requires it to control third parties and employees outside the premises and outside working hours. Even if for some reason the tenants did accept such a condition how would the

landlord enforce it? It is unlikely any commercial tenant would accept substantial financial penalties for the violation of such a condition, nor would it be prepared to accept a position whereby the landlord could forfeit the lease for non compliance.

In view of the importance of the matters being incorporated into the section 106 agreement we believe further work is required to clarify if it is robust and sufficiently enforceable before the application comes before the Planning Control Committee (“PCC”). Further as stated above these matters need to be addressed in full in the application and officer’s report.

**Further, we presume the new agenda papers for the planning control committee will reflect the decision made on 1<sup>st</sup> September for the section 106 agreement to be reported back in full to the planning committee and be debated in full rather than being dealt with under delegated powers.**

Turning to our response the substance is divided into four sections.

In Section A we set out the inaccuracies of the draft planning permission which was presented to the NAPC at paragraph 10 of the agenda papers. The planning permission as originally drafted does not have all the conditions which were recommended by the relevant consultees and the conditions which are included are not complete.

In Section B we set out the inaccuracies and lack of evidence supporting sections 5, 8 and Appendices C and D of the report.

In Section C we clarify the position on costs.

In Section D we discuss the necessity of a site inspection prior to the PCC.

## **A. INACCURACIES AND OMISSIONS RELATING TO PLANNING PERMISSION PRESENTED AT SECTION 10 OF THE NAPC PAPERS**

### **A.1 Section 106 points Section 10 (b)**

- A.1(a) The agreed financial contributions should be specifically referred to ie off-site highway works - £2 million, surety bond for the Travel Plan circa £425,000 and the performance bond for the breach of the 85 HGV cap - £1.825 million.
- A.1(b) As agreed by the NAPC the monitoring is to apply to inbound as well as outbound vehicle movements. Further there should be a camera installed at the ring road and A343(S), A342 (N), B3042 (Weyhill Road), A3057(S) as well as A343 (N) for monitoring purposes.
- A.1(c) As set out on page 108 (Letter from Chris Walton Head of Highways Development Control “HDC Letter”) all vehicles entering and leaving the site must do so from the A303.

- A.1(d) The routing agreement should specify what traffic (other than HCVs) are barred from Monxton Road. For the villages south-west of Andover this is a critical point.
- A.1(e) Recommendation EH/F1 by Mark Lee Principal Environmental Health Officer “EHO” - page 122 - needs to be inserted to confirm “a routing agreement is formalised to minimise the use of local roads by construction traffic, as proposed in paragraphs 8.51 and 8.56 of the ES”.
- A.1(f) The time limits set out on page 94 - the letter from Francis Porter of the Highways Agency “HA Letter” - should be inserted to ensure the HA recommendations are fully and correctly implemented. ie the alternative road infrastructure scheme and works to the A303 Hundred Acre Roundabout **are to be constructed and open to traffic within 18 months of the fifth occasion the HCV cap has been exceeded;** and the alternative means of on-site demand management scheme is to be operational **within 3 months of the fifth occasion the HCV cap has been exceeded.**
- A.1(g) The requirement of the Hampshire Constabulary Crime Prevention Design Adviser (page 76) that there needs to be satisfactory design and adequate CCTV provision within the underpass to monitor its use as a means of crime deterrent.
- A.1(h) The developer’s commitment to achieving BREEAM “very good” standards of construction should form part of the planning permission not the section 106. The planning permission is a more appropriate and secure means of achieving these design standards. In any event in view of the aspirations contained within the Local Plan the BREEAM “Excellent” standard of construction should be insisted upon as opposed to settling for “very good”.
- A.1(i) The financial contribution towards off-site noise benefits should specifically include the costs of the feasibility assessment to identify with the Highways Authority where barriers provide optimum cost effectiveness in accordance with the EHO’s Recommendation EH/B1 - page 120.

## **A.2 Conditions of Planning Permission**

In the NAPC agenda papers the planning permission as recommended is erroneous for two reasons:

- (a) Firstly conditions required by the HA, the EHO and other parties have been omitted from the recommendation; and
- (b) Secondly a number of conditions are incomplete because the full wording required by the relevant officer has been omitted.

**To rectify this position the draft planning permission for the PCC needs to include the following conditions:**

A.2.1(a) Recommendation EH/L2 by the EHO (page 128) - “ a condition requiring that the proposed warehouses sited on Plot 5 should be erected prior to the proposed Plot 4 distribution centre being brought into use, unless alternative noise mitigation measures can be agreed with the Local planning authority”

A.2.1(b) Recommendation EH/14 by the EHO- a condition controlling the rate of vehicle movements at night (2300 - 0700)

A.2.1(c)Recommendation by the HDC page 109 - “ a scheme detailing the provision to be made on site for cycle parking facilities, including the specification and siting, shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed details shall be fully implemented before the buildings are occupied”.

A.2.1(d)Recommendation by HDC page 128 - states that lorry parking for operational 335 lorry parking bays are provided on plot 4.

A.2.1(e)Condition 15 limits the ecological measures to a prohibition of vegetation clearance between March to August. This condition needs to include the other recommendations of the Environment Agency (“EA”) which are set out on page 24 ie retaining habitat, translocation of habitats, methods of work and the other mitigation measures in Chapter 11.

A.2.1(f) Further there needs to be included a condition dealing with the EA’s groundwater protection recommendation set out in their letter of 9 August 2007 and forming part of Recommendation EH/E2 of the EHO set out on page 122.

A.2.1(g)Recommendation EH/M2 of the EHO on page 129 - condition 22 needs to include “The 2.5m barrier shown on plan VC-100299 - figure 102 of the 12 June 2008 update to the E.S should also be provided prior to commencement of use and be maintained in good condition so as to remain effective”.

A.2.1(h)Recommendations EH/12 and EH/M3 of the EHO on pages 125 and 129 mean that condition 23 needs to be amended to include at the end “nor should mobile refrigerated containers/trailers be permitted to be kept on site overnight (ie2300 to 0700)”.

Condition 23 in our opinion should also contain a prohibition on the use of roll cages. In paragraph 10.45 of the Environmental Statement it was confirmed that the revised noise figures were based on the assumption no roll cages would be used externally and this should be enforced via a condition.

A.2.1(i) Condition 26 needs to include the recommendation set out in paragraph 8.34 whereby the odour linked to the potential decomposition of biomass material is controlled by way of a condition to minimise adverse impacts. We are concerned with the inconsistency in the officer’s report regarding the fuel to be used by the Biomass plant. Paragraph 3.5 on page 13 declares that the fuel will be woodchip but paragraph

8.34 suggests otherwise and the actual condition is requesting information on the precise nature of the fuel. The fuel should be limited to woodchip as part of the conditions.

A.2.1(j) Further the construction of the biomass plant should form part of the Plot 4 application given the need for sustainable development. Without it the only form of energy saving for Plot 4 is a solar wall and solar thermal for the HWS/Heating. As subsequent phases may never be developed. It is unacceptable to not insist on the Biomass plan forming part of the Plot 4 development in a similar manner to the warehouse on Plot 5 being erected prior to Plot 4's distribution centre being brought into use.

A.2.1(K) Where are the conditions dealing with the removal of spoil/earth from the site? The officer's report confirms that the proposed bunding (which is in breach of the Local Plan in any event) will only cater for some of the earth which has to be translocated to enable the development to take place. What controls are there for the materials which have to be removed and the manner in which they are transported?

A2.1(l) Conditions are also required to restrict the height of buildings within Phase 2.

**To correct the conditions, as drafted in the NAPC agenda papers, so they reflect the actual recommendations which have been made the following amendments are required:**

A.2.2(a) Condition 5 - in accordance with paragraph 8.16 page 59 the following percentages need to be included to ensure delivery of the correct percentage of the site area to landscaping:

Plot 2 - 22.2%

Plot 3 - 45%

Combined Plots 4 and 5 - 21.4%

Car Parking serving Plot 4 - 23.2%

We would also suggest that the condition also should require that if any of the landscaping dies or is damaged it shall be replaced and maintained until satisfactorily established.

The landscaping proposals are in our view completely inadequate in any event. Appendix 1 of the applicant's Landscape Masterplan annexed to its soft landscape proposals confirm all of the site boundary planting will be a maximum of 600mm in high. This will not provide adequate mitigation against a 17m building of the scale proposed. In paragraph 7.8 of the Environmental Statement the applicant confirms its landscaping proposals will only mitigate the visual impact of the building and lighting **15 years after the development is completed**. To be effective the landscaping condition needs to secure taller, more mature plants and trees and have a mix of evergreen species.

A.2.2(b) Condition 6 - This does not accord with the HDC's recommendation on page 109. In the fifth line after "cycleways" insert " and parking areas" and in eighth line after "surface water" insert " and details for the making up of the roads and

footways”. At the end of the condition insert “ The agreed details shall be fully implemented before the buildings are occupied”.

A2.2(c) Condition 8 - This needs to be expanded to include the EA recommendation at paragraph 5.16 page 23 and paragraph 8.42 on page 72 ie to ensure sufficient capacity exists to store 1% probability storm and details of control structures. Discharge is to be restricted to equivalent Greenfield run-off 7 litres per second per hectare or less. Surface water disposal should utilise wherever possible Sustainable Urban Drainage Systems.

A.2.2(d)Condition 9 - you indicated to the NAPC that Fullerton will not be able to cope with the capacity required given the government’s plans for additional new houses in the area. This needs to be clarified. If there is not going to be sufficient Foul Water capacity it is not sensible for planning permission to be granted.

A.2.2(e)Conditions 10 and 11 - in accordance with HDC’s recommendation on page 108 the disabled parking needs to be specified as being 5% of the total allocation

A2.2 (f)Condition 11 - in order to accord with the HCC recommendation set out on paragraph 8.23 on page 63, 775 spaces need to be specifically referred to as being retained for Plot 4.

A.2.2(g)Condition 12 - insert on line 4 after “turning” “provisions to be made on site”

A.2.2 (h) Condition 13 -this condition should be expanded to deal with the roof lighting which is not external but which will cause night time light spillage. It also needs to incorporate EHO’s requirement on page 121 for a full analysis of the lighting scheme prior to commencement of use.

A2.2(i)Condition 19 - in first line replace “taking place” with “commencing”.

A2.2 (j)Condition 22 - in last line reference to “Plot 55” should be to “Plot 5”.

A2.2 (j)Condition 25 - in second line “external” should be deleted. It is not referred to in the EHO’s recommendation and to include it would limit the plant in a way which does not accord with Recommendations EH/15 (page 125), EH/L6 (page 129) and EH/M4 (page 130). For example compressors, refrigeration plant etc can all be internal. The EHO’s primary concern is not where the plant is located but if it is noisy.

Further in this condition in the second line after “submitted” insert “together with a suitable noise assessment and proposed noise mitigation measure”.

A2.2(l) Condition 31 - to accord with what was agreed by the NAPC this should be amended so the broadband reversing equipment is a necessity for all vehicles on the site from day one.

## **B ERRORS AND LACK OF EVIDENCE SUPPORTING COMMENTS IN SECTIONS 5 AND 8 AND APPENDICES C AND D OF THE NAPC PAPERS**

## B.1 Section 5

### 5.1 Policy

This section omits reference to PPG4 para.12 which states "Extensive, well-planned out-of-town distribution parks can offer economies of scale and consequent benefits to consumers or businesses supplied. Sites for such developments are best located away from urban areas, where the nature of the traffic is likely to cause congestion, and wherever possible should be capable of access by rail and water transport."

An urban edge location for a major distribution centre clearly does not conform with these guidelines and no consideration has apparently been given to using the nearby branch line for goods transport to/from the site.

### 5.2 Landscape

- (a) We are surprised to read that Goodman's plans have not been assessed to see if the Local Plan policy requirements with respect to the amount of internal landscaping have been met. Please see our comments at section A 2.2(a) relating to condition 5.
- (b) It is difficult to reconcile the admission that there will be major and moderate (adverse) visual impacts from a number of places with the later statement that the proposal is acceptable in visual terms. We also note that the crucial adjective *adverse* has been omitted from the officer's report although it is clearly in the visual effects table in the ES. It is difficult to see how the officer's conclusion has been reached when the roof of Unit 4 will be above the height of the 100-Acre junction (the highest local point) and, because of its extent, will occupy a large sector of view from many points. It can be noted that the previous local plan considered that the maximum height of buildings on the business park should be restricted to 11m to preserve the views to the west.
- (c) We are disappointed that no assessment whatsoever has been made of the visual impact after dark (and during other periods of low ambient light). In our view this will be very considerable, partly due to the intensity of the external lighting for Unit 4 and partly because of the roof windows. In addition to direct views of the lit building, an intense sky glow can be anticipated - but the magnitude of this has not been assessed. Please see our comments on condition 13 at section A 2.2 (h)

### 5.13 TVBC Economic Development Officer's ("EDO") comments

- (a) It is disingenuous of the EDO to quote the 2000 LTES without also quoting the 2007 LTES which states "Opportunities need to be taken now, using existing land allocations, to attract new and better jobs to Andover for reasons cited elsewhere for the need to create a sustainable and balanced community. In turn, these employment opportunities will provide training and will attract further higher-order investment".

- (b) Again (as in section 5.1) mention is made of the need to reduce out-commuting from Andover, but the 2007 LTES makes it clear that high-skill employment is needed to achieve this: "The areas around Andover are already well-represented in higher skills but many people choose to commute elsewhere for employment. There is the potential to create local employment opportunities to draw some of this out-commuting back, in addition to encouraging higher socio-economic groups to spend more of their time and money in the town which will itself create jobs".
- (c) The statement that "the jobs likely to be provided will cover a range of skills to suit different local needs" ignores the evidence that the logistics industry provides predominantly low-skill and male-only employment. It will not meet the needs identified by the 2007 LTES. As stated by SEEDA, logistics operations are becoming increasingly automated so it is also questionable just how many jobs will be provided in the long term. What is not questionable is the fact that Unit 4 occupies a very large space while providing a very low density of employment.
- (d) The EDO does not mention that average earnings in Andover are already well below those of neighbouring towns and that the type of employment provided by this development is likely to exacerbate this situation.
- (e) The statement that this development would "put Andover on the map" and attract further businesses is highly contentious. In our opinion the development is likely to repel further investment, apart from storage and distribution, by lowering the already downmarket tone of Andover, high skill employers, and their employees, are likely to be repelled by the detrimental environmental impact (i.e. noise and light pollution) plus the large amount of HGV traffic. It might even drive away some existing establishments located close to the airport site.

## **B.2 Section 8**

### **8.3 Boundary of business park**

The argument that the phrase "along the outer boundary" means "outside the boundary" is unconvincing. The outer boundary of my garden does not include a strip of my neighbour's garden, and if the policy meant outside of the boundary then it would have said so. In our view the 3.4 HA of bunding and mounding outside of the business park constitutes development in the countryside and is in clear contravention of SET03 which prohibits development unless "there is an overriding need for it to be located in the countryside". There is no overriding need and the only motive is one of commercial convenience.

### **8.4 Mix of uses**

Although the initial statement here, that AND04.1 does not prescribe the mix of uses, is true of the formal policy statement, the accompanying text states "It is proposed to create a high quality environment for a mix of uses and range of needs.." which

indicates a far more diverse set of buildings and employment opportunities than is proposed in this application. Although Phase II of the development does include some alternative uses, there is no guarantee that these buildings and uses will materialise. It is likely that the only enterprises that will be willing to share the site with a massive distribution centre will be further companies engaged in storage and distribution.

#### 8.5 Employment opportunities

The report here again repeats the statement that the development will provide needed jobs and reduce out-commuting and we again refer to our comment above in response to para. 5.13.

#### 8.6 Quality of jobs

The statement that there is little evidence to support the claim that storage and distribution provides lower class jobs only quotes the limited debate on this topic at the 2004 Local Plan Inquiry and ignores the recent evidence provided by a Daily Telegraph article on the logistics industry (January 2008) which stresses the low skill levels prevalent in the industry and quotes industry leaders as stating that it is a "low-skilled unattractive industry that is often a job of last resort". Moreover it is a male-dominated industry that will offer little to the 50% of school leavers that are female. (In case TVBC has not previously received the Telegraph notice, this will be sent to TVBC as part of a separate communication about jobs).

The reference to the 2007 LTES, as offering support for the concept of this type of development, is farcical as the whole theme of this document, which permeates every page, is that Andover needs to move towards a higher skill economy.

#### 8.7 Andover's labour market

- (a) The discussion here on the local employment market ignores the statements in the 2007 LTES that "incomes from jobs in the Borough are lower than incomes from residents living in the Borough and commuting to jobs elsewhere" and that "The areas around Andover are already well-represented in higher skills but many people choose to commute elsewhere for employment."

Nor does it quote the strategic aim that emerges from the 2007 LTES: "Opportunities need to be taken now, using existing land allocations, to attract new and better jobs to Andover for reasons cited elsewhere for the need to create a sustainable and balanced community. In turn, these employment opportunities will provide training and will attract further higher-order investment."

- (b) The statement that Andover's population will increase by approximately 30% over the next 20 years is a slightly misleading exaggeration. Although the number of houses in Andover is set to increase by 30% under the SE Plan, the effects of this on the borough's working population will be partially offset by the continuing fall in the number of people living in all the existing houses (forecast to fall by 10% in 20 years)

within both the town and Andover's travel to work area, and the demographic trend towards a lower proportion of these people being of working age.

#### 8.10 Design and Landscape

et seq

- (a) The approach in the analysis in these sections appears to be contradictory. 8.10 states that "the intention is not to hide the buildings" while the following sections discuss points from which these buildings may be viewed or glimpsed, with admissions that the sight of these buildings will be visually intrusive from some of these points.
- (b) The barrel roof sections may reflect aspects of the design of the original aircraft hangers on the DLO site, but the total building length is approximately 20 times the length of the original hangers.
- (c) As with section 5.2, we are disappointed that no assessment whatsoever has been made of the visual impact after dark (and during other periods of low ambient light such as autumn afternoons and no doubt throughout dull winter days). In our view this will be very considerable, partly due to the intensity of the external lighting for Unit 4 and partly because of the roof windows. In addition to direct views of the lit building, an intense sky glow can be anticipated - but the magnitude of this has not been assessed. Please see our comments on condition 13 at section A2.2(h).
- (d) It is surprising that no reference has been made to the statement following policy AND4.1 in the local plan: "10.6.7 There is some existing mounding adjoining the service area on the A303(T). Further use of mounding is not considered acceptable as a form of screening for the rest of the site. If repeated on a large scale it would introduce a feature uncharacteristic of the surrounding landscape." The landscape proposals clearly violate this policy statement. Although the reasons for the bunding are understandable given the size of the building, it is the case that a set of smaller buildings would not have required mounding to hide them or to use up surplus spoil.

#### 8.13 Landscape

Table 7.1 in the ES Amendment which is referred to in the text of this paragraph and prepared by the developer himself, concludes that even with mitigation landscaping in place there will be major adverse affects on the views from two places, moderate adverse affects from two places and minor to moderate adverse impacts from a further five places (out of a total of 17 viewing locations considered). These findings are unaccountably omitted from this paragraph. The Landscape Officer says he believes the impact analysis to be fair and reasonable. It is therefore difficult to understand how the Landscape Officer can approve of the development from a purely visual point of view.

#### 8.14 Landscape

The Landscape Officer's view that the proposed development accords with DES01, DES02 and DES05 is highly subjective and contentious. It is worth noting key phrases from these policies:

DES 01 (landscape character) states "Development will be permitted provided that: it can be accommodated without detriment to the distinctive landscape qualities of the area within which it is located; its visual impact is in keeping with the local character of the area; and there is sufficient landscaping to enable the development to integrate successfully into the local environment. "

In no way can the megashed be said to fit in with the surrounding landscape.

DES 02 (settlement character) states "Development will be permitted provided that: 1. the overall design responds positively to the character and appearance of the surrounding townscape or settlement; 2. it would not result in the loss or harm to open areas, woodlands and other landscape features that contribute to the character of an area; 3. it would not disrupt a view from a public place which forms part of the distinctive character of an area"

Just as the megashed does not fit in with the physical landscape, so it is also out of character and scale with the nearby townscape. As the roof is higher than the 100-Acre junction it will also dominate the view west from this point, which is a local high point, where currently the vista is of distant downland and woodland - a view that was given special emphasis in earlier versions of the local plan.

DES 05 (layout and siting) states "Proposals for development within or adjoining a settlement will be permitted provided that the scheme integrates with the form and structure of the existing settlement or surrounding area." The text continues:

8.4.6 The size of a building in relation to its surroundings is an important aspect of design and buildings that are out-of-scale can detract from the character and amenity of an area. The height of a building determines its impact on views, vistas and skylines and its massing (the combined effect of its footprint, volume and shape) greatly influences its relationship with surrounding buildings and spaces .... in all cases new buildings should be carefully designed to respect and enhance their surroundings.

Again the megashed just does not appear to meet the design standards required by the local plan and it is difficult to understand how the Landscape Officer can conclude otherwise.

#### 8.17 Highway safety

The statement in this paragraph that the statutory bodies have concluded that the proposed development is acceptable in highway safety and capacity terms does not exactly reflect the content of HA's letter to TVBC of 16<sup>th</sup> July (Appendix A (i) of the report).

In the light of this letter it would be more accurate of 8.17 to say: "The process (of

negotiation) has been necessarily detailed but has led to a provisional conclusion that the proposed development is acceptable in highway safety and capacity terms provided that a cap of 85 HCVs per hour leaving the site is imposed". Note that at the end of the letter the HA say "All the above is subject to review by the HA in conjunction with our legal advisors" so it is only a provisional statement by HA.

#### 8.28 et seq on Noise

As a general point we observe that the synopsis given in paras. 8.28 to 8.32 of the EHO's report paints a rosier picture of the noise issues than one gets from reading the EHO's report itself. Furthermore it is apparent that the EHO takes a slightly rosier view (in Appendix C) than does his consultant in Appendix D. As a consequence no-one reading the consultant's fairly damning summary (Sections 51-54 on pages 152,153) of Vanguardia's noise analysis, and scepticism about the acceptability of the likely noise levels, could see much correlation with the officers' comments in paras. 8.28 to 8.32.

#### 8.30 On-site noise

This paragraph states that because the noise levels are below WHO guidelines then this makes them acceptable. But this is not what the consultant says (para. C6.3 on p143). He says that because the noise has intermittent and distinctive characteristics then the impact is likely to be greater than the steady sources of noise assumed by BS8233 & WHO. For this reason he favours using BS4142 criteria, and under these criteria the noise levels do not appear to be acceptable as they will be likely to provoke complaints (p153).

It would therefore seem valid to conclude that the conditions of AME04 (concerning unacceptable levels of disturbance) are not met, even if in the Planning Officers' opinion this is counteracted by other benefits of the development.

#### 8.31 Noise recommendations

The list of recommendations does not include the EHO's recommendation (EH/L5) that there should be a cap on night movements of HGVs - with the cap chosen to reflect the figures used in Arcadia's noise calculations.

It also does not include his recommendation (EH/L4) about the use of broadband reversing beepers.

#### 8.32 Noise (A303)

- (a) The text refers to the high level of road noise experienced at houses close to the A303 as 'anecdotal'. It is more than that: the April 2008 ES Addendum, chapter 10, table 10.7 gives calculated noise levels at two residential properties just north of the A303 which show day noise levels of around 74dB and night noise levels of around 64dB - some 19dB above the WHO recommended limits.
- (b) The text does not mention the WHO limits at all in connection with the A303 night noise (even though the EHO and his consultant both do) nor the fact that the WHO limits are concerned with real health effects and not just loss of amenity.

- (c) The discussion here does not include mention of the increased noise that will be experienced by residents in the stub end of Monxton Road north of the A303. These will be subject to increased noise, particularly at night, due to extra traffic on the 100-Acre roundabout and on the eastbound slip road, which is much closer to these properties than the A303 itself. We assert that this roundabout & slip road traffic has not been taken into account in Vanguardia's calculations for these properties. This point has not been picked-up by TVBC's noise consultant because (as he states, p152) Vanguardia's calculations are too inadequately explained to allow them to be checked - although we believe we have unravelled some of them.

#### 8.37 Ecological impacts

The text here assesses the impact against policy ENV04. But ENV01 is surely far more relevant here as it contains the Council's commitment to maintain, enhance and restore ... priority habitats listed in the UK Biodiversity Action Plan. The proposal will result in the destruction of >4ha of unimproved chalk grassland, a UK BAP priority habitat which, at this site, is also home to skylarks which are a red-listed species.

It is also highly questionable whether the mitigation measures put in place for the loss in habitat match up to the requirements of paragraph 4.2.9 accompanying ENV01.

#### 8.54 Impact on tourism

The 2007 LTES states that 7% of Test Valley's workforce is employed in tourism - so it is an important sector. It is difficult to comprehend the officer's conclusion that there will be little impact on tourism. The presence of a highly intrusive (in landscape, lighting and noise terms) building together with the thousands of daily HGV movements it will generate will make the Andover area less attractive to visitors. Tourists are likely to give all well-known storage and distribution centres a wide berth.

#### 8.58 External lighting

This section omits to mention the EHO's opinion that Goodman's detail and analysis of the proposed external lighting is inadequate (see p121) and that he requires a full analysis of the lighting scheme prior to commencement of use. His report does not appear to contain any of the phrases about proposed control measures that are included in 8.58 and it is difficult to see their origin. Moreover, it is clear that the EHO is assessing the potential for the lighting to be a nuisance; he is not considering the potential for it to be a potentially intrusive landscape feature.

### **B.3 Appendix C**

We agree with most of the EHO 's comprehensive report, however we take issue with some points relating to noise.

#### P113 Summary of on-site activity noise

The second paragraph refers to levels of noise experienced at properties in Red Post Lane as being between "marginal significance" and "complaints are likely". This does not accord with the noise consultant's report (para. S4, p153) which places the noise effects firmly in the latter category.

The third paragraph implies that the applicant's assessment, that the predicted noise levels are below those likely to cause loss or interruption of sleep (i.e. the WHO limits) is valid. This again does not accord with the consultant's report says (para. C6.3 on p143) which says that because the noise has intermittent and distinctive characteristics then the impact is likely to be greater than from the steady sources of noise assumed by BS8233 & WHO.

The sixth paragraph states that there will be some loss of amenity but does not believe a refusal on noise grounds to be sustainable. In our view a more whole-hearted embrace of the consultant's comments would give sustainable grounds for refusal - especially as there are apparently doubts whether all of the recommended mitigation measures can be put in place (see comments on 8.31 above).

#### p116 Overview of on-site activity results

The second paragraph again appears to accept the applicant's arguments about night noise levels being below WHO limits and therefore of little significance. As noted above, this does not concur with the consultant's view.

#### p117 Summary of road traffic noise impact.

The first paragraph refers to the fact that there is an existing consent for the site, and implies that the principle of increased traffic has already been ceded. However, the existing consent prohibits noise-generating activities at night - and it is the night noise and night traffic that forms the most contentious noise issues arising from this application.

## **B.4 Appendix D**

R A Davis and associates have given a very comprehensive review of Vanguardia's noise analysis and we wish to comment on only a few points.

### C5.2 (following comment on Vanguardia's unlabelled results)

The consultant accepts the validity of the road traffic noise calculations provided that the total traffic flow and % of HGVs figures are approximately correct. We wish to draw attention to the fact that a consequence of the proposed HGV routing measures will be that 80% of HGVs will now go on the A303(E) rather than the 50% assumed in Vanguardia's analysis (based on Goodman's initial estimates of traffic distribution).

### C5.18 (operational noise)

The consultant accepts that 'source' noise values based on measurements at Lichfield may be over-stated due to 'contamination' by other on-site activities. However, we would like to point out that these other noise sources will also be part of the Andover DC scene and should therefore be taken into account.

### S2 (deficiencies in the analysis)

The statement is made that Vanguardia's calculations are too inadequately explained to allow them to be checked. We believe that we have unravelled the calculations and assert that some are incorrect. In particular the calculated noise levels at receptor 5 in the stub end of Monxton Road north of the A303 are erroneous. Residents here will be subject to increased noise, particularly at night, due to extra traffic on the 100-Acre roundabout and on the eastbound slip road, which is much closer to these properties than the A303 itself. We assert that this roundabout & slip road traffic has not been taken into account in Vanguardia's calculations for these properties.

#### S5 (summary)

It can be noted that the consultant, in his final remarks, does not say the noise levels are acceptable - only that Vanguardia's analysis is just acceptable.

### **C. COSTS**

At various points during the NAPC meeting you advised the councilors of the risk of costs in the event of their refusing the application. The manner in which this was presented created an erroneous impression that costs would be definitely awarded. We have taken legal advice on this issue and understand the position is as follows.

In accordance with circular 8/93 costs will only be awarded if Goodman's seek an award, if the Council has behaved unreasonably and the unreasonable conduct has caused the party seeking costs to incur or waste expenditure unnecessarily.

The circular specifically states in Annex 1 paragraph 4 that the great majority of planning appeals do not result in a costs application. In the minority of cases where there are costs applications awards of costs are only made in 30% of costs applications on average. An appellant is not awarded costs simply because the appeal succeeds.

In summary an award of costs in the event of the applicant appealing is NOT a certainty even if the appeal is successful. The local planning authority must be shown to have acted unreasonably.

If the local planning authority decide to refuse a planning application as long as its reasons are clearly stated and it provides evidence to support those reasons it will be very difficult for the applicant to succeed in obtaining costs.

Indeed in paragraph 8 of Annex 3 of the Circular it specifically states in cases where planning issues are clearly shown to be finely balanced an award of costs relating to substantive as distinct from procedural matters is unlikely to be made against the planning authority.

### **D. SITE INSPECTION PRIOR TO PCC**

In view of the importance of the application we believe a further site inspection needs to be arranged prior to the PCC. It was clear from the NAPC meeting that there were a number of problems with the previous site inspection eg pegs not clearly visible or completely absent which meant the Councillors could not easily identify the site boundaries or the line of the sheds. Presumably this will be rectified for the next site visit. Also as suggested by

Councillor Borg-Neal balloons should be put up to provide an indication of the scale of the buildings.

Yours faithfully

**Signed for and on behalf of the STOP campaigners**