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Miss Madelene Winter
Test Valley Borough Council
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Your Ref 07/01951/OUTN

Dear Miss Winter

RE : AMENDED PLAN FOR CURRENT APPLICATION AT ANDOVER AIRFIELD - 07/01951/OUTN

Thank you for your letter of 14th April 2008 providing notification of the above amendments.

Further to my original letters of objection of 8th August 2007 and 23 October 2007 I have the following comments to make on the revised documentation provided by the applicant.

1. Revised Noise and Air Quality Information

The applicant stated in paragraph 10.22 of its original environmental statement that the effect of the proposed development on road traffic noise will be negligible and concluded in paragraph 9 of the Non Technical Summary "No mitigation measures to reduce any noise was therefore necessary"

The applicant's assessment in the revised documentation has now completely changed and in paragraph 10.85 of Chapter 10 of the ES the applicant states "The increase in noise levels due to on-site HGV activities for Plot 4 is regarded as a major significant increase. Acoustic barriers are required....".

Whilst the applicant's revised assessment is now more realistic of the noise which will actually be generated on site the complete inaccuracy of the original assessment can only serve to raise doubts as to the accuracy of the other parts of the ES and the

other figures provided by the applicant especially in the absence of any independent verification of the same.

Further the revised figures still do not provide an accurate assessment for the following reasons:

- (a) The figures are based on the assumption that no refrigerated lorries will be visiting the site and no roll cages will be used externally (paragraph 10.45 of the ES). Whilst that may be the applicant's intention at the moment there is nothing to stop that position changing. To ensure this does not happen a condition prohibiting the use of either, at the site, on any planning permission granted needs to be imposed.
- (b) The figures are based on a distribution centre in Weybridge which is a third of the size. The readings from that site were purportedly tripled to give an accurate estimate. There is no evidence provided to show that this is a correct correlation. The noise levels for the application site could well exceed three times the noise level figures used.
- (c) The figures are limited to HGVs and do not take account of the noise generated by forklift trucks, LGVs etc.

In summary the revised figures are unlikely to be an accurate assessment of the noise levels which will be generated and therefore it is not possible to determine if the acoustic barriers proposed will be an effective form of mitigation.

2. Revised Number Plate Recognition System (HGV routing and monitoring)

- (a) Paragraphs 8.50 and 8.51 state that all construction traffic and HGVs to and from the application site will be controlled by a routing agreement which will prevent the use of local roads by such vehicles. As a result traffic will be confined primarily to the A303 and thus avoid the need to go through the town centre.

I query how a routing agreement can achieve what is set out above. Vehicles can legally use any route/public highway. Such use is not subject to planning controls. In summary a routing agreement can not be effectively enforced.

- (b) The ES refers to the implementation of an automatic number plate recognition scheme details of which are set out in the applicant's vehicle identification scheme proposal report. (VISPR)

The proposed scheme will not be an effective form of mitigation for the following reasons:

- (I) it is limited to identifying only HGVs with 3 or more axles or those having the potential to carry over 7.5 Tonnes. This means LGVs and smaller HGVs are excluded from the monitoring scheme. Further from paragraph 2.12 of the VISPR it is clear there may be difficulty in recognising the HGVs to be the subject of the scheme due to the

technology available.

- (II) HGVs making local deliveries and local residents working on and travelling to and from the distribution centre and living within defined areas are excluded from the scheme and can travel along the prohibited routes by virtue of the “White List” (paragraph 2.5 of the VISPR). The White List is to be administered by the management company and operators within the individual units. This means the planning authority has no control over the drawing up of the White List.

The White List could completely undermine the proposed traffic mitigation. For example in paragraph 6.47 of the ES the applicant states that “A significant proportion of the workforce is likely to be comprised of local residents”. This would mean that the majority of the cars used by employees on the site would not be subject to traffic mitigation measures and would not be prohibited from travelling along the routes which are identified in the report because they would be exempt under the auspices of the White List.

- (III) Paragraph 2.7 of the VISPR states that “ It is proposed that it would be a condition of the lease to be signed by prospective tenants to agree to manage vehicle movements in the local area”.

This statement gives the impression that the control of vehicle movements are enforceable via lease documentation which is not even in place yet. This impression is wrong. The reasons being:

- (1) the planning authority will not be a party to any such leases and therefore cannot enforce control of traffic by the prospective tenants of the units;
- (2) all the leases have yet to be negotiated. There is no guarantee that any of the tenants would accept such an onerous condition;
- (3) even if for some reason the tenants did accept such a condition how would the landlord enforce it? What penalties would be imposed for violation of such a condition? It is unlikely that 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 with such a condition, particular given the investment it would have committed itself to in taking up a lease.

In summary there is no substance to the proposed traffic control by prospective tenants via lease documentation.

by (IV) Paragraph 2.9 of the VISPR states that “Concern has been expressed the Highways Authority surrounding the increasing number of slow-moving HGVs ...joining the eastbound A303...at the same time as main carriageway vehicles trying to leave the A303 for the Salisbury Road could lead to an increase in congestion or possible collisions”

This is a substantial safety concern of the Highways Authority. The applicant claims that in recognition of this concern the management company intends to cap the number of HGVs that leave the distribution centre to 85 per hour. This will limit the risk of a “train” of HGVs joining the A303.

The monitoring system proposed will NOT be effective in capping the number of HGVs leaving the site. The system is merely a means of identifying whether or not violations are occurring.

local There is no certainty that the local authority will even have proper access to the records generated by the system. Paragraph 5.3 states that any website access by the local authority will be “Dependent on available funding”. Who will be funding this technology? Will the local authority be funding it to ensure it does have access to these records or is it proposed that there will be a planning obligation on the developer to fund and install the relevant technology to ensure the authority can monitor the system and any violations?

Further how will the planning authority bring any effective enforcement action? The planning authority will have no contractual link to the management company.

Paragraph 2.15 states that the management company may be required to provide a means of controlling the flow of HGVs leaving the distribution centre. Details/confirmation is needed of how the management company will be forced to do this to ensure the numbers are capped.

Paragraph 2.15 states that the management company may take action if there are more than 4 violations in any 6 month period. In view of the serious nature of the Highway Authority’s safety concerns 4 such violations are 4 too many carrying with it the risk of congestion and possible collisions.

In summary a monitoring system with no effective means of enforcement is of limited if any value and is definitely not providing any form of mitigation .

3. Revised Green Travel Plan

The Travel Plan simply confirms there is inadequate car parking on site for the number of proposed employees.

It confirms that car parking will be provided for “just 60% of employees. The applicant states in paragraph 4.2 of the Travel Plan that “traffic surveys carried out for several prospective employees indicate that at present, a good proportion of all employees had travel to and from their existing facilities by private car” and that “a much greater reduction (in the number of employees actually arriving by car) would...be difficult to sustain given the high proportion of out of hours working .

Carrying out staff surveys within a month occupying a building will not mitigate what will be a problem from the outset i.e. too many car users for the parking spaces available.

Paragraph 4.4 of the Travel Plan suggests that the Travel Co-ordinator “will have full authority over occupiers to ensure compliance through the Agreement for Lease in each case. This will allow transgressions and under-performance to be monitored easily and corrected as appropriate since the co-coordinator will have re-dress through the said agreements that could ultimately lead to individual tenancies being suspended.”

This is not factually correct. Any agreement for lease will be the subject of negotiation. The developer cannot guarantee or force a prospective tenant to accept a condition in its agreement to comply with a travel plan especially when it means an occupier being responsible for controlling its employees’ movements outside working hours and off the premises.

Even if a prospective tenant was to accept such a condition it is highly unlikely that any commercial tenant would accept the landlord’s ability to forfeit a lease for violation of a travel plan.

Nor is it a commercial reality to presume that the applicant would be prepared to go to the expense of bringing forfeiture proceedings and thus give up a substantial rental stream of income if the tenant’s employees do not comply with the travel plan.

In summary the effective enforcement of the travel plan is primarily being left in the applicant’s hands and the proposed control mechanism of the lease and penalty of forfeiture is not a reality nor in commercial terms will it be feasible.

Yours sincerely

Caroline O’Flaherty