

1 Introduction

The planning application for the redevelopment of the former Pfizer site at 32 New Lane first caught public attention in February 2021 because of the obvious mismatch between the proposed edge-of-town operational business model and the heavily constrained town centre site.

The operational business model is for a parcel distribution operation, one driven by aggressive schedule delivery promises which will only get tougher as the public appetite for same day delivery grows. Havant Borough Council already have two sites allocated for such business opportunities within easy reach of the strategic road network, Solent Distribution Park by the A27 and Dunsbury Park by the A3(M).

With 95% of the delivery traffic needing to directly access the A27 or the A3(M), it seemed unlikely that 'a major global corporate business' would knowingly choose the New Lane location. The site lies in the middle of an increasingly residential area, is the wrong side of the railway tracks for reliable access to the A27, and is the wrong side of the area's largest housing estate for quick access to the A3(M).

Despite over 300 objections, many of which focussed on the choice of location for a massive traffic-generating operation, the application was approved by the Planning Committee on 9 September. However, we give full credit to the Havant Borough Council officers for placing well-crafted conditions on the approval, aimed at containing and managing the very real risk of impacts to local town traffic, the surrounding residents and other local businesses.

The elephant in the room remains the lack of credibility of the daily traffic data which fails the detailed scrutiny of a thorough examination. While a figure of **2,415** traffic movements per day had been 'provided by the intended occupier', it simply doesn't fit the evidence buried deep within the documentation. Even if it were true, the numbers are based on a business running at **only 58% of its planned delivery capacity** and with the public appetite for same day delivery growing fast, significant growth in the traffic volumes are inevitable once the operation begins in late 2022. A detailed audit of the transport documentation provided with the application shows that the daily traffic figure easily doubles from the 2,415 which persists in the Operational Management Plan to a more realistic figure exceeding **5,000** vehicles per day.

And there we find the Applicant's reason for seeking to cancel the HBC officer's conditions, it is, as the Planning Statement honestly concludes, **"to make the conditions commercially acceptable"**.

The impact of the approval decision made in September will outlive this current council by many years and today's council would be extremely wise not to relax the planning conditions already applied, which provide HBC and HCC with the essential tools to retain control over the volume of traffic generated from this ill-positioned operation. If the conditions applied to APP/21/00200 render the proposition 'commercially unacceptable'

to the intended occupier, then that commercial risk is owned by Havant Property Investments Ltd. (Kingsbridge Estates and Bridges Fund Management), who should seek a more appropriate use for the 32 New Lane site. Havant Borough Council and Hampshire County Council must not be seen to mitigate **the developers' risk** by abdicating control over the loading of the area's road network at the expense of pedestrian and cycle safety.

Our issue is not with the 'intended occupier'. We fully recognise the need to bring new commercial businesses to the borough and would actively support HBC should they choose to locate this potential occupier at one of the more appropriate, available locations.

We urge the Council officers and elected representatives to reject this S73 application and ensure that HBC and HCC retain control over the management of traffic on their streets and highways.

1.1 Document Layout

This document is laid out as follows:

Section 1 – Introduction

Section 2 - Comments on 'Planning Statement' from Fellows Planning

Section 3 – Comments on 'Operational Management Plan' from Vectos

Section 4 – Comments on 'Additional Information' from Vectos

Section 5 - Conclusion

2 Comments on 'Planning Statement' from Fellows Planning

2.1 Introduction

2.1.1 Reference to missing documentation

Under 'Objective of Planning Conditions', Page 2, the following sentence appears. *"We have set out under separate cover our concerns with the existing conditions in relation to the tests above¹ which we do not wish to repeat here."*

The documentation referred to appears germane to the application but is missing from the document set on the Planning Portal. We have requested this from the Case Officer, but we have not yet had sight of it.

2.1.2 Significant change to the Business Operational Model

The introduction of the term 'Delivery Service Partner' on page 3 of the Planning Statement opens a number of significant questions with respect to this development and adds substance to the established local rumour that the intended Occupier is Amazon / Amazon Logistics.

The 'Delivery Service Partner' model, as implemented by Amazon Logistics, materially changes the nature of the business previously approved and the traffic profile generated from the site. The Planning Statement goes on to grammatically separate the role of 'Driver' from that of 'Delivery Service Partner', a differentiation which we believe to be relevant to the changes to the Planning Conditions sought by the applicant.

In the 'Delivery Service Partner' model, delivery vans are either individual owner/driver units or are units owned by third party van businesses. Since these would not be owned by the intended occupier, they are highly unlikely to be branded for the occupier. Similarly, the likelihood of them being parked overnight at the site is small, since they are most likely parked at the Delivery Service Partners' address.

The application documents submitted against the original planning application (APP/21/00200) consistently referred to the Delivery Vehicles as a van fleet, wholly owned by the 'intended occupier' and parked overnight in the 866 capacity 'Van Storage Decks' designed into the plan.

¹ See section 2.2.4

2.2 Objective of Planning Conditions

This document sets out to address three key matters for which the applicant offers amended planning conditions. It should be noted that the existing well-researched and worded planning conditions, as documented on the Decision Notice for APP/21/00200, are already completely fit for these purposes, covering each of these matters completely and unambiguously.

We see no justification for this S73 application, which if approved would simply remove all control that HBC and HCC would have over the operations of the business on this site. The changes proposed are, as the Conclusion to the Planning Statement states, *“to the advantage of (the commercial) stakeholders in addition to making the conditions commercially acceptable (to Kingsbridge Estates and their intended occupier)”*.

2.2.1 Perceived potential for rat-running to the south of New Lane.

Addressed by Condition 4 (OMP), Condition 9 and Condition 10

2.2.2 Potential for the warehouse to operate outside the parameters of the transport assessment

Addressed by Condition 4 (OMP), Condition 9 and Condition 10

2.2.3 Desire for community engagement

This is addressed, in part, by Condition 28. In other matters, Havant Civic Society and the New Lane Residents Group would anticipate playing an active and constructive role in a local community panel.

2.2.4 NPPF Condition Tests

The NPPF Paragraph 56 states: *“Planning conditions should be kept to a minimum and only imposed where they are **necessary, relevant** to planning and to the development to be permitted, **enforceable, precise and reasonable** in all other respects.”*

The current wording of Conditions 9 and 10 passes all tests specified in Paragraph 56 of the NPPF and provide a clear benchmark against which Havant Borough Council and Hampshire County Council Highways can effectively manage the traffic volumes generated by the Occupier.

Given the lack of accuracy and incomplete nature of the traffic data provided with the original application, which is perpetuated in Appendix A of the Operational Management

Plan, Condition 9 and 10 are co-dependent and together provide the control that both local authorities must have over the traffic on the town streets and the highway network.

(This statement is justified in Section 3 – below.)

2.3 Proposals for changes to Planning Conditions

2.3.1 Condition 4 - Operational Management Plan

The reason for Condition 4 is *“To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning”*. The condition, as written, clearly passes all NPPF tests. When associated with a **precisely** worded Operational Management Plan, **relevant** to the development to be permitted and **precise** in the base data on which it is built, Condition 4 would be **enforceable**.

The Operational Management Plan presented with this application, however, is not fit for that purpose. (See section 3, below.)

2.3.2 Condition 9 – Livery/Branding

This condition is both **necessary** and **relevant** to the Development to be permitted. It is also co-dependent with Condition 10, enabling effective management of the residential constraints of the location and the issues of access to the A27 and A3(M) at peak times. If the request to remove Condition 9 is approved, Condition 10 becomes **unenforceable**.

2.3.3 Condition 10 – Traffic Monitoring

Condition 10 is **precise, relevant** and with Condition 9 in place and with the wording unchanged, is **enforceable**. However, the Condition is only effective when interpreted as requiring 24/7 traffic monitoring with data directly available to Havant Borough Council and Hampshire County Council Highways.

If this application is passed, the Occupier will control the traffic monitoring data and, according to the OMP as written, will only release **20 hours of historic data content per year**. This is clearly unacceptable and would leave HBC and HCC with absolutely no control at all over the impact of site traffic on the surrounding road network.

2.3.4 Condition 28 – Employment and Skills

The request to remove employment opportunities from local 16 and 17 year old school leavers is disappointing.

3 Comments on 'Operational Management Plan' from Vectos

The Operational Management Plan should be a document which details the rules by which the intended occupier can meet the conditions placed on the development.

However, the way it reads is quite different. The OMP comes over as a document written specifically to support the Occupier's evident need to get rid of Condition 4 (Livery/Branding), since it doesn't fit with the 'Delivery Service Partners' model, and to disable Condition 10 (traffic monitoring) since their traffic volumes will be far higher.

The only reason that the number of 2,415 vehicle movements per day has persisted throughout, unchanged, is because that number had to be as close as possible to the previous usage on the site in order to achieve approval.

3.1 Planning Context and Proposed Operation

The Operational Management Plan, as written, refers only to 'Drivers' and has, therefore, no apparent relevance to the 'Delivery Service Partners' sub-contracted to the Occupier.

While the Operational Management Plan might be used by HBC and HCC to enforce a set of conditions on Drivers, it is unclear how any control could be placed over the movements of Delivery Service Partners operating unbranded vehicles outside the direct control of the Occupier.

OMP section 2.8 - *The proposals for the site involve the provision of 866 operational storage spaces for the van fleet which during the day would be used as parking spaces for drivers that arrive at the site by private car.*

OMP section 2.7 – *"On-site staff will have defined shift patterns with arrivals outside of the network peak periods (08:00- 09:00 and 17:00-18:00). Typically, on-site staff shift patterns will be 08:00-16:00, 16:00-12:00 and 12:00 – 08:00."*

We note the misleading 'typo' in the description of the shift hours, which attempts to draw attention away from **'the midnight data issue'** (See 3.3 'Traffic Generation'). The last line of the block above should read: *08:00-16:00, 16:00-00:00 and 00:00 – 08:00.*

3.2 Traffic Generation (OMP Section 3)

3.2.1 Traffic numbers are based on only 58% operational capacity

The daily traffic numbers shown (2,415/day) represent the business running only at 58% operational capacity; there are 505 delivery vans in the OMP data, but a planned capacity for 866.

With 361 additional drivers arriving in car, departing in van, returning with van and leaving in car each day, the daily total traffic movements **will increase by a further 1,444** when the site is running at planned operational capacity.

3.2.2 'Same day delivery' will drive further traffic growth

As the online retail business model moves relentlessly towards 'same day delivery', we can expect delivery traffic movements to change from the single round trip per van, per day model costed here, to a multiple trip per day model. **The traffic numbers will grow accordingly.**

3.2.3 Occupier Provided Traffic Data

The traffic numbers presented with the original application have always been vague. Both Havant Civic Society and the New Lane Residents' Group challenged these at the original Planning Committee, and repeat that challenge here.

Vehicle Movements Per Hour																								
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	0	1	2	3	4	5
Total	206	303	339	96	41	81	45	45	88	43	166	329	252	71	50	60	141	9	8	8	8	8	8	8
Arriving	89	158	122	1	40	23	23	23	39	10	158	217	94	0	50	12	121	4	4	4	4	4	4	4
Departing	117	145	217	95	1	58	23	23	50	34	8	112	157	71	0	49	20	5	4	4	4	4	4	4

The table above represents the **original sole source** of 'Occupier Supplied Traffic Data' from APP/21/00200. This first appeared in the Transport Statement at Appendix F and has subsequently appeared in later documents, including at Appendix A of the current Operational Management Plan, but **with a retrospective breakdown by 'vehicle type' added**. The total daily figure of **2,415** has not, however changed.

The following passage from Vectos traffic consultant Mr. Dix's spoken deputation to the Planning Committee on 9 September is significant. The highlighted text had not been included in the advance copy of the deputation:

"The data presented includes all staff, both van drivers and those working on the site, deliveries by van and servicing by HGVs. This has been presented as an hourly profile across the day. It shows, for example, the overnight shift workers arriving and leaving and this data hasn't changed since the original TA was submitted."

The second sentence contains a deliberate and significant factual inaccuracy, readily illustrated in the extract from the data below:

'The midnight data issue'

	23	0	1
Total	9	8	8
Arriving	4	4	4
Departing	5	4	4

In the two hour period from 23:00 until 01:00, just 8 vehicles arrive and 9 vehicles depart. Since we know from the Operational Management Plan that these vehicles are HGVs, there is absolutely no evidence in this data of the vehicles belonging to the 200 evening shift workers departing, or to the 200 night shift workers arriving at the midnight shift handover point. **Up to 400 vehicle movements are missing from just this 2 hour period.** We can be sure that these workers will not be using public transport at that hour.

The number of employee vehicles missing from the Occupier provided data, including the warehouse shift workers and the drivers arriving to pick up the delivery vans in the morning and drop them back in the evening, amounts to at least **another 2,000 missing daily vehicle movements.**

3.3 Traffic Distribution (OMP Section 4)

The delivery distribution table shown below is taken from the original Vectos document for this development. It is included here to provide context for the text which follows.

Area	Population	Percentage
Adur	61,182	3%
Arun	149,518	7%
Chichester	113,794	5%
East Hampshire	115,608	5%
Eastleigh	125,199	5%
Fareham	111,581	5%
Gosport	82,622	4%
Guildford	137,183	6%
Havant	120,684	5%
New Forest	176,462	8%
Portsmouth	205,056	9%
Rushmoor	93,807	4%
Southampton	236,882	10%
Test Valley	116,398	5%
Waverley	121,572	5%
Winchester	116,595	5%
Woking	99,198	4%
Worthing	104,640	5%

Traffic Routing Rules should be clearly defined in the Operational Management Plan and auditable in the **Occupier's** logistics solution. At a high level, these routing rules should be:

3.3.1 For 'local' deliveries – which form 5% of the deliveries

Local delivery consignments are those restricted to PO9 postcode addresses. These **must** be consolidated and routed using dedicated, clearly identifiable, electric local delivery vans. These vehicles can have unrestricted access to local PO9 streets and deliver primarily to PO9 addresses. (This would likely be extended to include near PO9 boundary addresses subject to agreement with HBC.)

3.3.2 For 'out of town' deliveries – which form 95% of the delivery destinations

'Out of town' delivery consignments are those addressed to non-'PO9' postcodes. These deliveries will need direct access to the A27 or A3(M) and **must** be routed to the appropriate main highway junction based on whether they are North, South, East or West.

- 'Out of town – North' – *Via Crossland Drive or Bartons Road to A3(M) J2/J3*
- 'Out of town – South' – *Via Crossland Drive, Park Road South to A27*
- 'Out of town – East' – *Via Crossland Drive, Park Road South to A27*
- 'Out of town – West' – *Via Crossland Drive to Asda Roundabout, A3(M) J4*

We would expect also to see a secondary level of routing to be defined in the Operational Management Plan, for example an 'Out of town – East' delivery to a Funtington postcode may use *'Bartons Road to Emsworth Common Road.'*

Definition of clear traffic routing rules in the Operational Management Plan would clearly define the allowed routing, and with the exclusive PO9 routing rule defined at 3.2.1 above, would mitigate the rat-running risk.

3.4 Traffic monitoring (OMP section 5)

OMP section 5.4 – *"The data will be collected by an independent traffic survey company who will provide and maintain the equipment and will provide the survey data."*

The independent traffic survey company must be acceptable to HBC and HCC Highways, and must provide a consolidated data feed directly to both Authorities on a weekly or monthly basis. The raw data **must** include all operational hours, i.e., 24 hours per day over a 7 day week.

As stated in the original condition wording, *"The monitored details shall be fed into Hampshire County Council's permanent traffic count database and available to view as required by the Local Planning Authority and County Highway Authority."*

OMP section 5.5 – *"An annual monitoring report will be provided to include data for two week periods at six monthly intervals starting at the anniversary of the development commencing operations."*

This proposes a single annual report, produced annually in arrears, containing data for just two week long periods. **This is entirely unacceptable.**

OMP section 5.6 – *"The ATCs will be used to monitor the operation of the site for 5 years after the commencement of the proposed operation on the site."*

No. Traffic monitoring should begin at the **start of site operations** and continue to be managed for the duration of the site occupation.

OMP section 5.7 – *“The data will only be used for monitoring the effectiveness of Operational Management Plan in terms of levels of peak period traffic.”*

The concept of just two 1 hour ‘peak periods’ starting at 08:00 and 17:00 is meaningless in the context of a business model that is running constantly, 24 hours a day and 7 days a week.

For the data to be meaningful, it has to cover the full working day, otherwise the Occupier will simply manage traffic flow within those two single hour windows to artificially meet their interpretation of the condition.

Havant Borough Council and Hampshire County Council Highways must insist on full 24/7 traffic monitoring otherwise their conditions have no value and no effect.

OMP Section 5.8 – *“The routing of vehicles to/from the site will be monitored through the installation and maintenance of CCTV cameras within the site to cover the site accesses and one showing New Lane to the south of the site to allow spot checks to be undertaken of vehicles entering and leaving the site.”*

What function are these ‘spot checks’ meant to perform?

OMP section 5.10 – *“The monitoring of the number of vehicles into and out of the site with data being made available on request by the Local Planning Authority if an alleged enforcement issue has arisen. This will be done through an independent survey company reviewing the CCTV footage to match vehicles entering and leaving the site with those using New Lane to the south of the site. This will be limited to no more than 4 requests per year.”*

Providing that traffic routing rules are defined in the Operational Management Plan along the lines suggested in Section 3.3.1 and 3.3.1, this is completely unnecessary. The function, which given the limitation of the last sentence is effectively worthless, appears to have been included as a smokescreen to try and cover for the Occupier’s insistence on using unbranded and Delivery Service Partner delivery vehicles. **That, as discussed earlier, is completely unacceptable.**

4 Comments on '32 New Lane APP/21/01244 – S73 Application - GDPR' from Vectos

This document appears to relate to pre-planning communications between the Applicant and Hampshire County Council Highways, communications that are not available for public view in the Planning Portal.

It appears from the content that the Applicant has been seeking to change the approach to traffic monitoring from the use of standard Automatic Traffic Counters at the exits, to the use of CCTV/ANPR cameras, internally placed on the site and monitoring the three gates, with a fourth camera monitoring traffic on the southern part of New Lane.

HCC Comment: *"The Highway Authority has now had the chance to discuss the use of CCTV cameras in lieu of permanent traffic counters feeding into the Highway Authority's data base for the sole purpose of monitoring the number of traffic movements associated with the 32 New Lane site as set out within condition 10 of the permission."*

This comment suggests that the Applicant had been attempting to shift the traffic monitoring approach from the use of Automatic Traffic Counters automatically feeding the Highway Authority's central traffic database, to one in which the Occupier would release selected details of traffic on the southern New Lane section only.

We have already commented on the inadequate frequency for reporting in Section 3.4, above. For HCC and HBC to be able to manage the growth of traffic data from the unsound and unrealistic base data of 2,415 traffic movements per day, the authorities must have regular uploading of data covering the full 24/7 operation.

The bulk of this document is based on potential GDPR privacy issues surrounding the use of CCTV/ANPR cameras in public spaces. While we find ourselves in agreement with Vectos that this technology is in widespread public use and the GDPR 'issues' are already well understood and covered, the whole of this document is something of a distraction.

The real issue, which it appears that HCC Highways are trying to stick to, is that they must have direct access to the 24/7 data from the ATCs at the site gates.

An unnamed HCC Highways Officer notes that *"your application suggests that traffic counters will now be used to monitor the quantum of vehicular movements. The issues of how these are accessible by HCC/HBC in the event of complaints being received will need to be considered during the course of the application."*

The Officer should note that as Condition 10 is written, ***"The monitored details shall be fed into Hampshire County Council's permanent traffic count database and available to view as required by the Local Planning Authority and County Highway Authority."***

5 Conclusion

We believe that the Operational Management Plan should be updated and amended to define clear Traffic Routing Rules to properly mitigate the risk of rat-running delivery vehicles. The OMP must make clear that these rules **must** be encoded in an auditable manner into the Occupier's logistics systems and adhered to by **all** delivery drivers, regardless of whether they are directly employed by the Occupier or subcontracted to the Occupier by a 'Delivery Service Partner' arrangement.

We believe that Condition 9, covering Livery/Branding, should be kept and adhered to for **all** delivery vehicles servicing the operation.

We believe that Condition 10 already captures the detail of the requirement, but should be re-enforced to ensure that the ATC traffic monitoring data be captured and retained for all movements at all times covering the full working day, equivalent to the original 'occupier provided data'. This data must be directly uploaded to the Hampshire County Council Permanent Traffic database.

Finally, we are disappointed that the occupier has chosen to remove employment opportunities from local 16 and 17 year olds.

For the sake of both Havant Borough Council and the residents and businesses using the town centre road network, this application must be refused.

Bob Comlay

On behalf of:

Havant Civic Society
The New Lane Residents' Group

End of document.