



PLANNING STATEMENT

32 NEW LANE, HAVANT – S73 APPLICATION
PROPOSED AMENDMENT TO CONDITIONS 4, 9, 10 & 28 (APP/21/00200)

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Introduction

This statement seeks to summarise our proposed changes to planning conditions 4, 9, 10, 28 of planning permission APP/21/00200 and the addition of new planning conditions. The current S73 application follows extensive engagement with the Local Planning Authority and the Local Highway Authority regarding alternative potential mechanisms for controlling development.

Objective of Planning Conditions

There are three key matters that the planning conditions that we propose to amend/approve address:

- 1) Perceived potential for rat-running to the south of New Lane.
- 2) Potential for the warehouse to operate outside the parameters of the transport assessment
- 3) Desire for community engagement

This application puts forward alternative condition wording which we consider meet the requirement of paragraph 55 of the NPPF which sets out the 6 tests of conditions as follows:

- 1) Necessary
- 2) Relevant to Planning
- 3) Relevant to the Development to be permitted
- 4) Enforceable
- 5) Precise
- 6) Reasonable in all other respect

We have set out under separate cover our concerns with the existing conditions in relation to the tests above which we do not wish to repeat here. Furthermore, guidance states the rigorous application of the 6 tests can reduce the need for conditions and it is good practice to keep the number of conditions to a minimum wherever possible. Again we consider that our proposed changes will meet this aim.

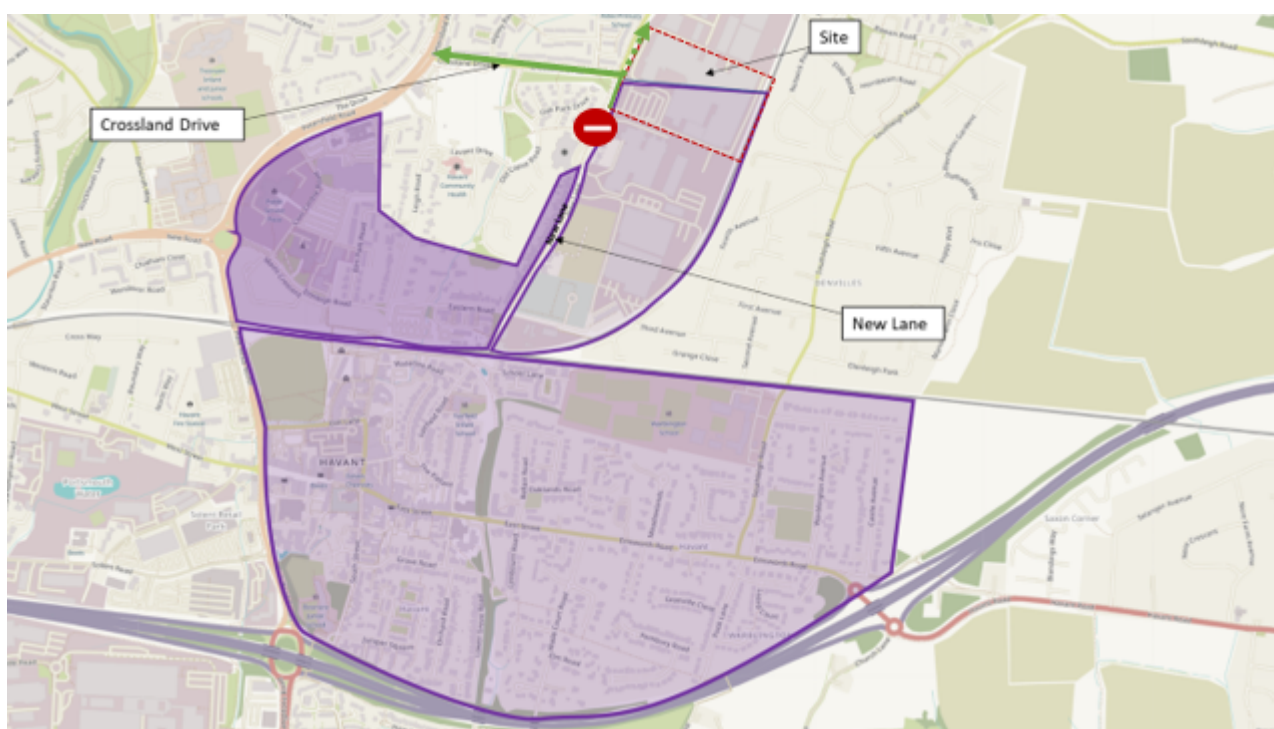
We set out below the proposed conditions and the associated benefits of controlling the development in this manner. In addition to the above we are also proposing a very limited change to the employment and training condition to seek to clarify the requirements for the construction and operational phase.

Perceived potential for rat-running

At the outset it is important to be clear that the perceived concern about rat running does not relate to HGV traffic which will be utilising the existing dedicated route for Crossland Drive which is already well signed and works well. The rationale for Condition 9 was to seek to control a perceived potential issue of rat-running from van drivers.

One of the key challenges in terms of control is identifying the vans which have a genuine need to travel south along New Lane. Clearly there is a catchment area that is likely to be serviced by the operator and it is important that drivers can efficiently service their needs. To this end our transport experts have developed a routing strategy that forms part of the Full Operational Management Plan which identifies in plan form the area of households to be served by vans routing south of New Lane (unless there is exceptional circumstance e.g. Crossland Drive is closed). An extract of this plan is provided below for ease of reference:

Figure 1: Area South of New Lane Plan – Where delivery drivers will be permitted to travel south



The above plan illustrates the area south of New Lane that vans leaving the site would serve. The areas shaded in purple represent the delivery area south of New Lane. The green arrow shows Crossland Drive used by the majority of vehicles (all HGVs and majority of vans) and the remaining will use New Lane North. The red dotted line outlines the site boundary with the three accesses.

The most efficient mechanism of preventing the potential rat-running is by imposing requirements on the operator to inform and educate people working at the site. To this end the Full Operational Management Plan guarantees routing signage to be included within the site at the site exits, to ensure that drivers are clear on routing expectations. Only authorised vehicles will be allowed to head south down New Lane beyond the southernmost exit from the site access. Furthermore, induction packs/leaflets and training will be provided to van drivers to detail the routing strategy and ensure that drivers and Delivery Service Partners are aware of the agreements in place. As with the signage this can be guaranteed on the basis that it will be a requirement of the Operational Management Plan which is controlled by condition.

Finally in discussion with the Local Planning Authority we understand that there is a requirement for potential infringements to be monitored. To this end the Full Operational Management Plan includes CCTV monitoring from within the site to capture the drivers that are turning south down New Lane.

The revised proposals are considered to be more precise and rigorous in terms of assessment of infringement, the current Condition 9 wouldn't provide the Local Authority or people in the local area with the data to know whether the vans in the area have a genuine need to be there, whereas our solution provides a mechanism to seek to avoid potential breaches in the first instance and a technological solution which will provide accurate data on any infringements if they occur. Furthermore Condition 9 would fail to distinguish between vans from this warehouse and vans from other warehouses run by same the prospective occupier, so again controlling the potential issue at source is a far more effective way of assessing compliance.

Potential for the Warehouse to Operate outside the parameters of the transport assessment

The Permission already provided a requirement for an Operational Management Plan which provides security that the warehouse will operate in accordance with the assumptions in the transport assessment. However, the Local Planning Authority and Highway Authority expressed a desire to monitor compliance with the parameters set out.

We therefore propose to introduce a requirement on the operator to install traffic counters within the development, the results of which will be provided on a regular basis for an initial period. The data can be provided if reasonably requested by the LPA should a concern for infringement be encountered. Furthermore, the CCTV cameras that will be introduced to monitor compliance with routing (discussed above) will provide a mechanism to triangulate the data (e.g. vehicles entering, exiting and monitoring their onward direction) that is available in the unlikely event that this is required.

Although there is a cost associated with this to the operator, it is easy for this monitoring mechanism to be used and ensures that data is provided solely to consider the objective of compliance with the condition and not for other purposes.

Community Engagement

The proposed operator has an excellent track record of engaging with the community and is content for a requirement to be imposed which requires them to provide a strategy post-occupation which will set out the measures to be undertaken to engage with the community in a positive way. This will cover a whole raft of matters that the community would want to engage with but linked to the above two issues would also provide a way for the community to engage directly with any concerns about operational transport issues. This includes a local community panel to be established with key stakeholders and interested parties.

In addition to the above we are also seeking an amendment to Condition 28 on employment. The purpose of the changes is to introduce more clarity and precision over the requirements.

Conclusion

In summary, we consider that the proposed conditions detailed below will provide more precise and rigorous controls on the proposed occupation of the development, which will be to the advantage of stakeholders in addition to making the conditions commercially acceptable.

Proposed New Condition	Commentary
<p>The proposed development shall operate in full accordance with the Full Operational Management Plan (FOMP) (Vectos November 2021). The FOMP details the measures to be implemented by the occupier and to be observed through the period that the lawfulness of activity at the development land relies upon this Planning Permission.</p> <p>No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.</p> <p>Reason: To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning and to allow for monitoring of the site operation and to protect interest of residential amenity. Having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework</p>	<p>Expanded Condition 4 to ensure Operational Management Plan can be used as an effective way to prevent potential rat running issues and cover issues previously controlled by Conditions 9 and 10. The plan includes details of the routing strategy and how this will be managed to ensure that deliveries to households to the south of the site using New Lane is limited to the local area and New Lane to the south of the site is not used by vans travelling longer distances except for in rare circumstances when the use of other routes is not possible.</p> <p>The plan includes details of monitoring for a period of 5 years from the opening of the site of:</p>

	<ul style="list-style-type: none"> a) Vehicle routing through the installation and maintenance of CCTV cameras to allow spot checks to be undertaken of vehicles entering and leaving the site; b) Traffic levels through the installation and maintenance of Automatic Traffic Counters to monitor traffic levels across the 3 site accesses.
<p>Throughout the construction period to comply with the Construction Employment and Skill Framework and to:</p> <ul style="list-style-type: none"> • Deliver the approved Employment and Skills Framework Plan • Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase. • Six weeks from agreement of Planning Permission Contractor/Council initial E&S Plan meeting. • Monitoring meetings to be scheduled with Contractor and the council to review progress. • Provide case studies involving Havant residents before the end of the construction phase. <p>Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011</p>	<p>Updated Condition 28 – split into two conditions and simplified</p>
<p>Prior to Occupation an Occupational Phase Employment and Skills Plan shall be sent to the Local Authority which provides the following details:</p> <ul style="list-style-type: none"> • An end user HR contact for recruitment for direct employees • An inception meeting with the Economic Development Officer to detail the programme for launch recruitment and beyond initial occupation • Provision for a follow up meeting to be attended by the Borough Council including members of the end-user's PR team. • Provision of details of the agencies/contractors that are being partnered with • Details of the marketing of direct employment opportunities, including specific reference to the need to target Havant residents, including those in the 18-24 category and those in Leigh Park and the immediate area (noting that the end-user doesn't recruit people younger than 18 years old) <p>Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011</p>	<p>Updated Condition 28 – split into two conditions and refined</p>

<p>Within 6 months of occupation the operator will produce a community liaison strategy, which will include:</p> <ul style="list-style-type: none"> • Contact details for any queries to be forwarded; • Details of membership of a local community panel to be established with key stakeholders and interested parties • A schedule of meetings to be offered to the identified panel • Record-keeping of engagement with the local community <p>Reason: This would give residents and stakeholders an opportunity to feedback to the site operators on the effectiveness of the arrangements in place. Comments received will be used to make improvements to the site operations as and where appropriate.</p>	<p>New condition to replace informative</p>
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