

1 INTRODUCTION

1.1 Personal Details

1.1.1 My name is Bob Schofield and I appear at this inquiry on behalf of the Stop Pyestock bLot Act Today (SPLAT) campaign group. I am a long term resident of Fleet and Church Crookham (1974) and more recently, since 1989 a resident of the Pondtail area of Fleet.

I have a degree in Civil Engineering and I am a Chartered Civil Engineer and a Chartered Member of the Institution of Water and Environmental Managers with over 30 years experience in civil engineering and environmentally related projects. I have in more recent years acquired a degree in law from Reading University and operate on a part time basis as a private consultant. I appear at this inquiry as a local resident and as a member of SPLAT who has spent the last two years analysing and researching the proposed development at Pyestock.

1.2 Stop Pyestock bLot Act Today campaign group

1.2.1 SPLAT is a non-political local residents and communities representative group formed in 2005 to oppose the proposed development at Pyestock, North Hampshire. Through its public information services, an active web site and regular distribution of over 10,000 information sheets, SPLAT has raised public awareness of this scheme and facilitated the submission of some 12,000 letters of objection. SPLAT not only represents Hart residents and residents of Southwood and St Johns wards in neighbouring Rushmoor, but all persons who have attended meetings, made donations and supported the campaign in whatever capacity they have been able.

- 1.2.2 SPLAT's representative position was endorsed by Hart District Council (HDC) inviting SPLAT members to address the Special Planning Meeting held in March 2009. Many individuals, Town and Parish Councils, Residents groups, County Councillors and local MPs have morally and financially supported SPLAT in conducting its campaign and preparing for this inquiry.
- 1.2.3 We do not present ourselves as technical experts, except in the area of noise where we will be represented by an acknowledged expert acoustician, but we enjoy the benefit of many of our members being professionals in related fields of expertise who have lent their advice and knowledge where appropriate. Apart from the application of analysis and logic our greatest expertise is in local knowledge and the impact that this development would have on the local communities, commerce and the environment.

1.3 Description of the Site and its Location

- 1.3.1 The site, formerly known as the National Gas Turbine Establishment, occupies a roughly triangular area of land comprising 45 Hectares (Ha) of mixed woodland and grassland. The western boundary of the site is roughly parallel to and approximately 400 metres from the development boundary of the Pondtail area of Fleet. The centre of gravity of the site is approximately 1 km south of the A3013 Fleet to Cove Road and 2 km due south of the M3. It is just less than 3 km, by road, from the site to Junction 4A of the M3 motorway.
- 1.3.2 Immediately to the south of the site is the Basingstoke Canal which forms the northern boundary of a part of the Thames Basin Heath Special Protection area. Approximately 400 m to the North West of the site is Fleet Pond nature reserve. Immediately north of and adjoining the site is a public amenity/recreation area comprising woodland walks and open fields. The whole strip of land running north to south around the site is designated a Strategic Gap

providing a landscape delineation between Fleet, Farnborough, Aldershot and Yately. The land is predominantly owned and managed by the Ministry of Defence (MoD). The area has special scientific and environmental interest and contains a number of Sites of Special Scientific Interest (SSSI) and Sites of Importance for Nature Conservation (SINC).

- 1.3.3 The Pondtail area of Fleet is a quiet residential area serviced by a series of no through roads terminating at the edge of the Fleet Pond Nature Reserve and the public amenity areas within the Strategic Gap. The lack of through traffic and the ready access to a major amenity area makes Pondtail one of the more desirable residential areas of Fleet.
- 1.3.4 Fleet Pond Nature Reserve together with the woods and open fields immediately to the north and the west of the site are very popular areas for family recreation including walking, cycling, jogging, picnicking and bird watching. The introduction of ponies and cattle to graze the heathland has proved a popular attraction to young children.¹
- 1.3.5 The area provides a central peaceful amenity for many residents of Hart and Rushmoor, especially those in the Pondtail, Ancells Farm and Southwood Areas.

1.4 Planning History of the Site

- 1.4.1 As Crown Land it was not initially necessary to secure planning permission for development. The site was progressively developed as a gas turbine research establishment from the 1940s until 1975 which marked the opening of the Noise Test Facility. At its peak the site operated five altitude test cells, the most famous of which tested the engine for Concorde. In its prime, around 1976, the site and some adjoining areas employed around 1600 staff.
- 1.4.2 By 1996, test Cell 4, used to develop the Concorde engine, had closed and employment levels almost halved. The site continued to decline and following a period of voluntary redundancies in 2000 employment levels dropped to around 300. Apart from the three

¹ See views of activity Appendix 1

remaining small testing and research facilities the majority of the site has fallen into disuse.

- 1.4.3 Although, not requiring planning permission, in 1999 DERA submitted an 18/84 notice to Hampshire County Council, Rushmoor Borough Council and Hart District Council of their intention to create a new research centre at Cody Park which became known as the "Hub". The major feature of this development was to relocate and concentrate several MoD operations including the transfer of 200 staff from Pyestock North (the current application site) to the Hub². The Pyestock site was to be rationalised and some new laboratories were to be establish in the south west corner of the site to be manned by staff transferred from Chertsey. This part of the development never progressed.
- 1.4.4 The application included major road changes and enhancements including the construction of the New Ively Road, The Norris Bridge roundabout and the Summit Avenue roundabout with the Northern end of Bramshot Road realigned to join the roundabout. An eastern perimeter road and bridge over the New Ively road were provided to allow secure access into the Hub site from the north via Bramshot Road.
- 1.4.5 In July 2001, QinetiQ was founded from the partition of DERA into two separate organisations and, in February 2003, became a public private partnership with US-based Carlyle Group. QinetiQ submitted a planning application (03/01475/OUT) for a mixed development on the site. In February 2003 QinetiQ applied for and secured a Certificate of Lawful Use dated 21st November 2003. In 2004 Qinetiq sold the site to Prudential Farnborough. The first applications for a Distribution warehouse development were made in 2005; 05/00238/Major an Outline Planning Application, all matters reserved except access and 05/00242/Major a Detailed Planning Application. Both these applications have subsequently been withdrawn. A revised outline application was submitted in December 2006 which was rejected by Hart District Council and

² Appendix 2 –Abstract from planning application 98/00757/C1884

subsequently resubmitted as a new application in 2007, 07/00764/Major, an Outline Application, all matters reserved, followed by 07/03197/Major a Detailed Application, both the subject of this inquiry.

1.5 Identification of Key Issues

- 1.5.1 SPLAT's initial concerns and objection to the development focused on the massive overdevelopment of the site contrary to Local Policies CON19, DEV12 and DEV13. The initial application destroyed at least 10 Ha of trees, over and above current levels, and had massive buildings, almost doubling the available floor space, right up to the boundary fence line, readily visible from several locations around the site. Site levelling meant that buildings supposedly only 15 m high were built on platforms 6 m high, totally dominating the New Ively Road. Concern was expressed that the already fragile Strategic Gap separating Fleet from Farnborough would be lost and the communities would coalesce.
- 1.5.2 SPLAT on behalf of its members objected to the 24 hour, 7 day a week operation and the impact this would have on local amenity and recreation, on the quality of life of residents living close to the development in terms of air quality, noise and health impacts.
- 1.5.3 SPLAT expressed its concern at the understatement of the level of traffic likely to be created by a development of this scale and nature and that all the major impacts were traffic related and would be proportionally worse than stated.
- 1.5.4 SPLAT expressed its concern over the potential impacts on the local and the national highway network and the worsening of local congestion. We contested that the reliance on the legal fall back position was a technicality not a reality and despite the Appellant's claims that the development traffic would be beneficial to the local network it would only aggravate an already unacceptable condition.
- 1.5.5 SPLAT expressed its concern that additional traffic on the M3 and particularly J4A was likely to adversely affect the AQMA on the M3

as congestion between J4A and 4 would be exacerbated and pollution was not a linear function of traffic numbers, but increased exponentially as queuing traffic increased.

- 1.5.6 SPLAT raised objection to the proposed highway modifications associated with the development due to their adverse urbanising impact on the Strategic Gap, their unproven safety benefit and in the case of the new roundabout on New Ively Road its contravention of Local Policy T15.
- 1.5.7 SPLAT expressed its concern that the proposed development was not sustainable in terms of national, regional and local policies and there would be no social, economic or environmental benefits.
- 1.5.8 SPLAT expressed its concern over the likely impacts on the local environment and ecology contrary to Local Policies CON 1,2, and 3. Concern was raised over the potential impacts on the areas of environmental interest, SPA, SSSIs and SINCs and the lack of real assessment.
- 1.5.9 Hart District Council's grounds for refusal of planning permission for Detailed Planning Application 07/03197/MAJOR generally reflected the concerns that had been voiced by SPLAT plus they raised the technical issue of the Appellant not having entered into various legal agreements and there was a lack of an adequate proposal for the use of renewable energy.
- 1.5.10 Hart District Council has indicated its willingness to withdraw refusal on grounds of a lack of legal agreement if such agreement can be reached.
- 1.5.11 The Appellant, despite his claims, has not significantly changed the proposals. The major amendments to his initial proposal have been to:
 - Contain the extent of building development within the limits shown on the Certificate of Lawful Use which consequently reduced the area of tree loss and the proposed new buildings.
 - Maintain the existing formation levels on the site.

Reduce the size of the individual buildings in the Detailed Planning Application and re-orientate them to have all working areas face East.

Offer caps on the number of vehicle movements.

- 1.5.12 SPLAT is not persuaded that these modifications have addressed the planning issues and the harm that flows from potential breaches of policy.

1.6 Issues Dealt with in this Proof of Evidence.

- 1.6.1 This proof of evidence will address:

Planning Policy both current and emerging at National, Regional and Local levels

The Strategic Gap

- 1.6.2 The other matters of concern and objection will be dealt with by separate Proofs of Evidence covering:

Traffic

Noise

Air Quality

Ecology

Sustainability and

Health

- 1.6.3 Policy has been reviewed at four levels in relation to existing and emerging policy. The new South East Regional Plan (SERP) and the Local Development Framework (LDF) are emerging, but not binding at this time. What is of concern is that a major development of this scale and character could undermine these emerging policies by having more than a local impact on traffic, employment, quality of life, environment and economic development. It is fully appreciated that it is for the Secretary of State to give weight to these policies, but they do give a clear indication of the direction that locally elected representatives are developing for their communities and their region.

2 NATIONAL POLICY

2.1 PPS1 Delivering Sustainable Development

2.1.1 The Government's guiding policy PPS1 – *Delivering Sustainable Development* establishes the overarching principles on sustainable development. It defines sustainability as "Ensuring a better quality of life for everyone now and for future generations." which it acknowledges is a modification of the original Brundtland inter-generational statement made at the 1987 World Commission on Environment and Development.

2.1.2 The Key Principles of Sustainable Development are clearly set out in Paragraph 13 of PPS1

(i) Development plans should ensure that sustainable development is pursued in an integrated manner, in line with the principles for sustainable development set out in the UK strategy. Regional planning bodies and local planning authorities should

ensure that development plans promote outcomes in which environmental, economic and social objectives are achieved together over time.

(ii) Regional planning bodies and local planning authorities should ensure that development plans contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies which reduce energy use, reduce emissions (for example, by encouraging patterns of development which reduce the need to travel by private car, or reduce the impact of moving freight), promote the development of renewable energy resources, and take climate change impacts into account in the location and design of development.

(iii) A spatial planning approach should be at the heart of planning for sustainable development (see paragraphs 30 – 32 below).

(iv) Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities

available for improving the character and quality of an area should not be accepted (see paragraphs 33 – 39 below).

(v) Development plans should also contain clear, comprehensive and inclusive access policies – in terms of both location and external physical access. Such policies should consider people’s diverse needs and aim to break down unnecessary barriers and exclusions in a manner that benefits the entire community.

(vi) Community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. In developing the vision for their areas, planning authorities should ensure that communities are able to contribute to ideas about how that vision can be achieved, have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies, and to be involved in development proposals.

2.1.3 PPS1 addresses “Sustainable Economic Development” which it is recognised is part of the sustainability matrix. Section 23 states: *“The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should:*

(i) Recognise that economic development can deliver environmental and social benefits;

(ii) Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts;

(iii) Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;

(iv) Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;

(v) Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;

- (vi) Actively promote and facilitate good quality development, which is sustainable and consistent with their plans;*
- (vii) Ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings. The aim should be to ensure that everyone has the opportunity of a decent home, in locations that reduce the need to travel;*
- (viii) Ensure that infrastructure and services are provided to support new and existing economic development and housing;*
- (ix) Ensure that development plans take account of the regional economic strategies of Regional Development Agencies, regional housing strategies, local authority community strategies and local economic strategies; and,*
- (x) Identify opportunities for future investment to deliver economic objectives.*

2.1.4 PPS1 has been supplemented with a further direction on Climate Change. It clarifies that carbon emissions are one of the contributors to greenhouse gas effects. One of the objectives of the Supplement is “to help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car.”³

2.2 PPG4 Industrial Commercial Development and Small Firms

2.2.1 PPG4 Industrial Commercial Development and Small Firms –stresses “*that economic growth and a high quality environment have to be pursued together.*”

2.2.2 Paragraph 11 of PPG4 identifies the need to reduce green house gases and locate development in areas which reduce the need to travel and can be served by more energy efficient modes of transport, such as rail or water.

³ PPS1 Supplement: Climate Change, page 10 paragraph 9

- 2.2.3 Paragraph 12 specifically refers to modern distribution facilities and states:

(i) 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 or water transport.

2.3 PPG9 Biodiversity and Geological Conservation

- 2.3.1 PPG9 Biodiversity and Geological Conservation makes special provision for protecting SPAs and SSSIs and states at paragraph 7 *"the latter should be given a high degree of protection"* Where any proposed development is either within or outside a SSSI planning permission should not normally be granted if it is likely to have an adverse effect (Paragraph 8). Development should only be allowed where the benefits outweigh the impact.
- 2.3.2 PPG9 paragraph 13 recognises the benefit of re-using previously developed sites but calls for the retention of biodiversity interest or to have it incorporated into the development.

2.4 PPG13

- 2.4.1 PPG13 aims to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel especially by car.
- 2.4.2 PPG13 reinforces PPG4 by stating *"where possible locate development generating substantial freight movements such as distribution warehousing away from congested central areas and residential areas and ensure adequate access to trunk roads."*

2.5 PPG 23 and PPG24

- 2.5.1 PPG 23 and PPG24 address pollution through air quality and noise and are dealt with separately under specialist proofs of evidence.

3 REGIONAL POLICY

3.1 Regional Planning Guidance RPG9 (South East Plan)

- 3.1.1 The primary purpose of this guidance is to provide a regional framework for the preparation of local development documents before the Regional Spatial Strategy comes into force. The other purpose of this guidance is to provide the spatial framework for other strategies and programmes, such as local transport plans.
- 3.1.2 The key development principles that should govern the continuing development of the Region include amongst others:
- 3.5.1 *Urban areas should be the main focus for development through making them more attractive, accessible and better able to attract investment;*
 - 3.5.2 *The pattern of development should be less dispersed with more sustainable patterns of activity, allowing home, work, leisure, green spaces, cultural facilities and community services to be in close proximity;*
 - 3.5.5 *Economic opportunities should be increased by raising skills levels and reducing the disparities between different parts of the Region.....and by managing the localised impacts of development in economically buoyant areas;*
 - 3.5.9 *There should be continued protection and enhancement of the Region's Biodiversity; and*
 - 3.5.11 *Access to jobs, services, leisure and cultural facilities should be less dependent on longer distance movement [our emphasis] and there should be increased ability to meet normal travel needs through walking, cycling and public transport with reduced reliance on the car.*
- 3.1.3 Chapter 6, Environmental Strategy of the Guidance states "a high quality environment is essential to the future prosperity of the South East. The effective protection of the environment and prudent use of natural resources are fundamental aspects of the vision for this Region which is highly urbanised and subject to development pressures" Policy E1 directs that "Priority should be given to

protecting areas designated at International or national level either for their intrinsic nature conservation value, their landscape quality or their cultural importance.” Specific reference is then made to Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs),

- 3.1.4 Policy E6 directs that *“Opportunities should be provided for leisure and recreation in, and access to, the country side in ways which retain and enhance its character.”*
- 3.1.5 Policy Q4, directs that *land in the urban fringe should be enhanced, effectively managed and appropriately used. Development plans should amongst other things ensure enhancement and better management of the urban fringe, for example, through the identification of areas of importance for nature conservation or recreation or coherent areas suitable for the continuation of agricultural uses.*
- 3.1.6 Policy RE5, directs *“better use should be made of existing employment land resources.”* Better use is characterised as *“scope for intensification, scope for optimisation and for mixed employment use.”* Policy RE5 continues *“Sites for industry and commerce should be developed particularly in urban areas and in places which are accessible by environmentally friendly modes of transport. Precedence should be given to the re-use of developed land over the release on new land.”*
- 3.1.7 Policy RE4 directs that development should *“reduce business related travel”* and *“encourage development which maximises environmental and social benefits.”*
- 3.1.8 Policy T6, states *“a fully integrated freight distribution system should be promoted which makes the most efficient and effective use of road, rail, inland waterways and coastal shipping. Development plan policies should amongst other things include policies which support making the best use of all existing facilities; and protect existing facilities and include proposals to safeguard sites for rail freight facilities.”*

3.2 Emerging Regional Policy – South East Regional Plan

- 3.2.1 The South East Spatial Strategy is in a state of flux. The draft Plan prepared by SEERA has been the subject of an Examination in Public and comments have been made by the Panel of Inspectors. The Secretary of State's proposed changes are currently the subject of public consultation. The Secretary's comments have been referred to where appropriate.
- 3.2.2 Policy CC1: Sustainable Development establishes some priorities for the South East:
- *Achieve sustainable levels of resource use*
 - *Reduce green house gas emissions associated with the region*
 - *Ensure the SE is prepared for the inevitable impacts of climate change*
 - *Ensure the most deprived people also have an equal opportunity to benefit from and contribute to a better quality of life.*
- 3.2.3 Policy CC5 Infrastructure and Implementation, as originally drafted, recognised that one of the major problems in the Region is a severe lack of infrastructure and that the "*scale and pace of development will be dependent on there being sufficient capacity in existing infrastructure to meet the areas current need..*" The Panel's recommendation was to remove the conditional approach to development. The Secretary of State has suggested a new introductory paragraph:
- The scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and pace of development will be dependent on additional capacity being released through demand management measures, or better management of existing infrastructure....Where new development creates a need for additional infrastructure a programme of delivery should be agreed before development begins.*

- 3.2.4 Policy CC8 addresses Green Infrastructure and promotes the provision and management of *“connected and substantial networks of accessible multifunctional green space.”* *“They should be managed with the primary aim of maintaining and improving biodiversity, but should also deliver recreational and cultural benefits and ensure that an improved and healthy environment is available for the benefit of present and future communities.”*
- 3.2.5 Policy CC10b Strategic Gaps states *“where there is a need to prevent coalescence of settlements in order to retain their separate identity ,local authorities may identify the locations and boundaries of strategic gaps in a Local Development Document, if the following criteria are met:*

The gap will prevent the coalescence of settlements each with a resident population of 10,000 persons.

The gap must be not greater in size than is necessary, and in all cases no greater than five miles at its widest point.

Development should only be permitted in a strategic gap where it would not compromise, individually or cumulatively with other existing or proposed development, the fundamental integrity and purpose of the gap.”

- 3.2.6 The Secretary of State, by her comments, on Draft Policy CC10b appears to advocate three planning environments: urban, rural and Green Belt. She does not by her actions object to the maintenance and identity of separate settlements and their separation by a “clear visual gap.”
- 3.2.7 The Secretary of State accepted the retention of a gap in her decision on the Queen Elizabeth II Barracks development at nearby Church Crookham.⁴ In the hierarchy of “gaps” a Local Gap is a lesser entity than a Strategic Gap. The Secretary’s objection to housing development within a local gap was in “reducing its effectiveness in both functional and visual terms.” The current gap

⁴ Appeal references APP/N1730/A/05/1186859, 1186862 and 1201542, paragraph 26 of letter dates 24th july 2008 - Appendix 3

is to provide an effective physical and visual demarcation between Fleet/Church Crookham and Ewshot. The Inspector in his Report to the Secretary of State at paragraph 286 states "Furthermore, I consider the existing small gap is fragile in functional terms."

- 3.2.8 The Secretary of State suggests there is adequate provision within the application of PPS7 *Sustainable Development in Rural Areas* sufficient to address development issues in the open country side without the need for further local designations. "Paragraphs 24 and 25 advise that carefully drafted criteria based policies in Local Development Documents should provide sufficient protection for landscapes that are locally valued and that local landscape designations should only be maintained or exceptionally extended where it can be clearly shown that criteria based policies cannot provide the necessary protection."⁵
- 3.2.9 The key issue in this direction is that locally valued landscapes should be protected and that they can, not only be maintained, but, in fact, extended.
- 3.2.10 It remains within the powers of the Local Planning Authority to protect land that prevents coalescence of recognisable urban areas; it merely has to be stated in proactive rather than reactive terms.
- 3.2.11 The original supporting note 1.36 permits "*small scale development in accordance with other policies within the South East Plan....should be permitted within strategic gaps as long as such development would not compromise the fundamental integrity and purpose of the gap.* Additionally note 1.37 identifies that "*strategic gaps have the potential to increase biodiversity and provide other environmental and health benefits, in the way other areas of countryside or urban rural fringe do.*"

3.3 Western Corridor Blackwater Valley Sub Region

- 3.3.1 Hart falls within the Western Corridor Blackwater Valley Sub-region and as such the sub regional policies WC/BV1 to 9 are the most relevant. The proposed introduction to the area policies recognises particular challenges faced by the sub-region:

⁵ Government Office South East – proposed changes for consultation – Secretary of State’s comments

- *How to realize economic potential of the area without compromising the quality of life of residents*
- *Achieve a better balance between the location and growth of jobs and homes while protecting the areas environmental assets, including the SPA*
- *Deliver the requirements for physical, social and environmental infrastructure needed to support existing and future economic and housing growth.*

3.3.2 The supporting text to WCBV1 addresses a number of factors that will influence the distribution of development within the sub-region. One key issue identified is Transport:

The WCBV core strategy is to a significant degree transport led. This is in recognition of the paradox that while a key advantage of the sub-region is its location and accessibility to international and regional transport hubs, congestion and other pressures on transport may put at risk future economic, social and environmental progress.....In particular and in accordance with those policies local authorities will need to promote locations and forms of development and manage mobility to a) reduce the need to travel, b) reduce average journey distances and c) make it possible for a greater proportion of trips to be made by alternatives to single occupancy car use.

3.3.3 Policy WC/BV4, now renumbered WCBV2: Employment Land directs that LDDs give priority to the retention and more efficient use of existing employment land in employment use. The general direction of the policy is to make more efficient use of existing employment land, to give consideration to strategic needs and to generalise the need for a balance with labour supply.

3.3.4 The supporting text to WCBV5 (proposed WCBV2) calls for "Smart Economic Growth" which is defined as achieving economic growth without demanding additional labour. Economic prosperity can be maximised by:

- *Using existing employment land as efficiently as possible*

- *Taking account of any clustering and opportunities to promote key innovative higher value or knowledge based sectors with low environmental impact*
- *Driving up skills in accordance with policy RE4*
- *Improving productivity*
- *Increasing mobility and accessibility by a range of sustainable means*

It also qualifies this by adding *"seeking significant additional in-commuting is also unrealistic as a means of addressing any significant jobs-housing mismatch.*

3.3.5 WCBV6 determines that all new development will be contingent on securing all necessary supporting infrastructure.

3.3.6 WCBV9 places restrictions on development close to the SPA and accepts *"appropriate forms of development."*

4 LOCAL POLICY

4.1 Hampshire County Council Structure Plan 1996-2011

4.1.1 The Vision called for:

- *A prosperous and attractive area where social and commercial needs are met in ways that, while minimising the need for travel, improve the quality of life and sense of community for present and future generations.*
- *The need for travel, particularly when it gives rise to the increasing use of the private motor car, creates environmental problems. Minimising the need for travel will result in reductions in fuel consumption, exhaust emissions, noise and physical damage to the built and natural environment.*
- *Finally, the Plan will count for little unless it sets out to improve the quality of life and sense of community.*
- *The Government is committed to achieving a more sustainable pattern of development through local action.*

- *The Plan recognises that the relationship between built development and these open areas must be respected if a formless urban sprawl is to be avoided.*
- *In practice, the Plan can only directly influence the quality of life where it is affected by new development and the infrastructure and services provided to serve it.*
- *The Plan seeks to achieve a balance which ensures that the development needs essential to the future well-being of Hampshire are met in places and ways such that environmental costs are minimised: steering development to the appropriate places and preventing inappropriate development.*

4.1.2 Saved policy G1, one of the very few policies not to expire at the County level states *"To prevent neighbouring urban areas from merging into one another, strategic gaps, comprising land which has a predominantly open and/or rural appearance, will be maintained between:*

Fleet and Aldershot/Yately

The precise boundaries of these gaps will be defined in local plans with the objectives of preventing coalescence and protecting the separate identity and amenity of the urban area they separate. Permission will only be granted for development even in accordance with other policies in the Plan where:

- (i) it cannot more suitably be located elsewhere; or*
- (ii) it would not compromise, individually or cumulatively with other existing or proposed development, the integrity of the gap.*

4.1.3 Saved Policy T5 states *"Planning permission will only be granted for development in accordance with other policies in this plan where the local planning authority is satisfied that the transportation requirements of the development can be accommodated.*

Developers will be expected to contribute towards any transport improvements directly related to the development."

- 4.1.4 Saved Policy T19 specifically designates land for the *Fleet Eastern by-pass*.

4.2 Hart District Council Local Plan (Replacement) 1996-2006

- 4.2.1 Chapter 2 of the Plan sets out the aims and objectives with a commitment to "*sustainable development*" with the aim of *maintaining and enhancing the District's quality of life for both present and future inhabitants*. This is to be achieved "*by permitting appropriate development and protecting interests of acknowledged importance (including for example ecological biodiversity....)*
- 4.2.2 Policy GEN 1 sets out the principles for development:
- (i) Are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density*
 - (ii) Avoid any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation*
 - (viii) Do not give rise to traffic flows on the surrounding road network, which would cause material detriment to the amenities of nearby properties and settlements or to highway safety*
 - (ix) Do not create the need for highway improvements which would be detrimental to the character and setting of roads within the conservation areas or rural lanes in the District.*
- 4.2.3 Policy GEN6 relates to "*Proposals For Development which could create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area will only be permitted where*":

(i) The site is not located where the proposal would have a serious adverse effect on the amenities of existing housing and other sensitive uses such as schools, or the recreational amenity of quiet areas of countryside; or

(ii) The proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity

4.2.4 Policy GEN 8 seeks to control pollution and in particular will not allow *development that could significantly adversely affect the quality of air.*

4.2.5 Policy CON1, establishes constraints and positively prohibits development that would adversely affect the nature conservation value of an SPA or SSSI unless it meets very stringent criteria
These reasons are:

- *There are no alternative solutions and there are*
- Imperative reasons of overriding public interest*

In the case of SPA and SAC which support a "priority" habitat or species, planning permission may only be granted if the development can be justified on the grounds of:

- *Human Health*
- *Public safety or*
- *Beneficial consequences of primary importance to the environment*

4.2.6 Policy CON2 clarifies that *"development which could adversely affect the nature conservation value of a site of Special Scientific Interest.. will only be permitted if it can be subject to conditions that will prevent damaging impacts on wildlife habitats."*

4.2.7 Policy CON3 provides a high level of protection to the environment by only permitting *"development which would adversely affect nature conservation interests of sites of importance for nature conservation if other material considerations outweigh the importance of the site to local nature conservation."* The supporting text further clarifies that *"Developments that involve raising or lowering the water table, atmospheric or water pollution, excessive noise or disturbance,*

increased erosion, damage to vegetation or increased recreational use are likely to be unacceptable.

4.2.8 Policy CON19 states *"Development will not be permitted which would diminish the following defined Strategic Gaps physically or visually;*

(i)the Blackwater Gap between Blackwater Valley Towns (Aldershot to Yateley) and the County Boundary; and

(ii)Fleet and Aldershot/Yateley

The supporting text clarifies that Strategic Gaps are to *protect those areas of land which have particular importance as open and undeveloped land. They keep individual settlements separate and distinct but may also have other benefits for local communities as areas with recreation, amenity and/or nature conservation value. Strict control of development is necessary if their importance is to be maintained.* The text recognises that there exists some development within the Gap and *the Plan proposals seek to address the development options for each site within the context of the gaps that they fall within.*

4.2.9 Policy DEV12, furthers CON19 by specifically stating *"within "Area A" of the Test and Evaluation Establishment at Pyestock, redevelopment for employment uses will be permitted provided that neither the rural character of the locality, nor the open nature of the Strategic Gap, is adversely affected."* *"Should development of the site occur, it will be important to maintain existing employment levels, whilst retaining the rural and open nature of the strategic gap.....A significant increase in floor space would therefore be inappropriate."*

4.2.10 Policy DEV13 which applies to Area B of Pyestock provides the qualification *"The LPA will expect the development of these two sites (DEV12 & DEV13) to include appropriate ancillary uses such as leisure, training, local retail, ancillary accommodation and hotel accommodation etc. in order to provide a full range of facilities on site."*

4.2.11 Policy T15 denies development where *“new or improved access would, (ii) adversely affect the safety and character of the non strategic road network.”* The supporting text clarifies *“A detailed traffic impact assessment addressing the situation at the year of opening and 15 years later should be provided. Development should take account of current Department of Transport Guidance.”*

4.3 Emerging Local Policy - Hart Local Development Framework

4.3.1 The core strategy defines 13 key objectives against which policies are framed. Those relevant to the proposed development are:

A) Protection and enhancement of the quality of life of those living, working and visiting Hart District (the emphasis is ours)

B) securing the sustainability, good management and enhancement of both the built and natural environment

C) Protecting and enhancing the characteristics of the District which promote local distinctiveness and identity.

E) meeting future development needs in sustainable locations and ensuring that new development is adequately supported by the necessary infrastructure.

L) Promoting measures to enable mitigation of and adaptation to the effects of climate change.

4.3.2 Preferred Policy 1 states the *“council will work to achieve the sustainable regeneration of existing communities...This will be achieved through the promotion of social, economic and environmental development projects that focus on enhancing the quality of life of existing and future residents of Hart District.”* The supporting text clarifies *“the majority of new built development....should be on previously developed land first, subject to this not having a significant adverse impact upon the quality of life for existing communities.”*

4.3.3 Preferred Policy 2 defines built up areas as *“those parts of the District lying within the defined Settlement Boundaries. All areas*

outside of those boundaries are considered to be countryside for planning purposes."

- 4.3.4 Preferred Policy 5: Thames Basin Heaths SPA states *"The Council will not permit development which individually, cumulatively or in combination with other schemes has an adverse affect upon the Thames Basin Heath Special Protection Area. It places the further qualification that "All development likely to have an impact on the TBH SPA will be required to undertake an Appropriate Assessment."*
- 4.3.5 Preferred Policy 6: Development and Infrastructure Provision, demands adequate infrastructure and facilities exist or funding and implementation of necessary infrastructure is secured through planning obligations and *"that infrastructure and facilities are provided in time to meet the needs arising from the development."*
- 4.3.6 Preferred Policy 10 Employment Provision, states *"The Council will protect and enhance the range of employment provision within the District over the period to 2016 by: permitting proposals to develop and redevelop existing sites to add to the diversity of space, and meet the needs of the local community."*
- 4.3.7 Preferred Policy 14: Protection and Enhancement of Open Space, declares the Council's commitment to the protection of *"open space of public value."*
- 4.3.8 Preferred Policy 17 Design Quality/Sustainable Design and Construction, supports the principles established in PPS1.
- 4.3.9 Preferred Policy 19: Countryside/Landscape Character & Management, clearly states *"Development in the countryside will only be allowed where it will have no significant adverse effect on the distinctive landscape, visual and biodiversity qualities of its surroundings and the relevant Landscape Character Area or Areas to which it relates."*
- 4.3.10 Preferred Policy 20 Strategic and Local Gaps restates *"Development will not be permitted...where it would erode visually or physically the separation of towns and villages within or adjoining the District."*
- 4.3.11 Preferred Policy 21 Biodiversity, will not permit development *"where it may adversely affect the biodiversity value of international*

(SPA) or national (SSSI) conservation areas.” The policy further extends to SINCS and LNRs. The supporting notes state that the Council will take “*a precautionary approach*” in assessing development proposals.

5. REQUIRED PLANNING APPROACH

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is in this regard important to note that the Strategic Gap in which the appeal site is located is subject to very considerable development constraints contained within the Planning Policy regime described above.
- 5.2 In particular, Policy G1 of the Structure Plan is designed to achieve purposes similar to those achieved on a national level by the designation of land between settlements as Green Belt land – to prevent neighboring urban areas from merging into each other; and to preserve its openness.
- 5.3 In addition, Policy G1 is intended to protect the amenity which the Strategic Gap affords to the urban areas that are thereby separated, and to protect also the amenity of those that live in those areas, as well as the rural character and appearance of the gap itself, which character and appearance makes, in any event, a considerable contribution to local amenity
- 5.4 The open and wooded areas immediately to the west and the north of the site, extending into the Fleet Pond Nature reserve are extensively used by local residents and visitors for recreation. Dog walking, rambling, jogging, horse riding and cycling are popular pass times. Families use the open fields and formal picnic areas for social gatherings. More seriously the Fleet Pond and surrounding woods attract ornithologists and nature lovers. The Fleet Pond Society organize tours of the local area for residents and schools to discover the wealth of flora and fauna that exist in this local haven.

- 5.5 Accordingly, and even if any proposed development accords with other Policies in the Plan, Policy G1 requires permission for that proposed development not to be granted unless that development cannot more suitably be located elsewhere; or if that development would compromise, individually or cumulatively, the integrity of the gap.
- 5.6 So far as the first precondition above is concerned, it follows that Policy G1 makes it incumbent upon a proposed developer to undertake an alternative sites' assessment to demonstrate that the development proposed cannot more suitably be located elsewhere.
- 5.7 So far as the second precondition is concerned, the "integrity" of the gap is to be defined by the planning purposes for which it is accorded protection by Policy G1 – including not just its openness and the prevention of urban areas merging, but the protection also of the rural character and appearance of that gap, and the amenity which it thereby affords to local residents.
- 5.8 Any aspect of any development proposed for the Strategic Gap which compromises any of these attributes is contrary to Policy G1, and so is to be refused planning permission in accordance with section 38(6) of the 2004 Act unless material considerations indicate otherwise.
- 5.9 Moreover, the Policy protection afforded by Policy G1 of the Structure Plan is reinforced both by Policy CON19 and Policy DEV12 of the Local Plan.
- 5.10 So far as Policy CON19 is concerned, this too provides a powerful constraint on any development proposed for the Strategic Gap: development will not be permitted which would "diminish" the gap, whether physically or visually, with the supporting text again making it clear that such Strategic Gaps are designed to protect those areas of land which have particular importance as open and undeveloped land, not just in order to keep individual settlements separate and distinct, but also to preserve other benefits for local communities as rural areas with recreation, amenity and/or nature

conservation value. It is for these reasons that strict control of development within the Strategic Gap is necessary.

- 5.11 Once again, any proposed development which “diminishes” the value of the Strategic Gap in any of these regards is contrary to Policy CON19 of the Local Plan and so is to be refused planning permission in accordance with section 38(6) of the 2004 Act unless material considerations indicate otherwise.
- 5.12 Policy DEV12 provides yet further constraints on any proposed redevelopment on this specific site within the Strategic Gap. In particular, whilst acknowledging that, as previously developed land, the National Gas Turbine Establishment at Pyestock can as a matter of principle appropriately be redeveloped for employment uses, it is expressly provided that proposals for such redevelopment will only be permitted if neither the “rural character” of the locality, nor the open nature of the Strategic Gap, is adversely affected.
- 5.13 Moreover, and as already noted above, the supporting text to Policy DEV12 contains very important limitations upon the nature and extent of redevelopment for employment uses which is permissible at the appeal site, referring expressly to the existing complex of buildings there and stating that it will be important for any redevelopment of the site “to maintain existing employment levels”, whilst “retaining the rural and open nature of the strategic gap”, so that “a significant increase in floor-space would therefore be inappropriate”.
- 5.14 It is quite apparent from Policy DEV12 as explained by its supporting text, that the intention of the Policy is to allow the appeal site to be redeveloped, but not to allow its use to intensify beyond the extent to which it was used when Policy DEV12 was adopted, nor to allow any significant increase in the amount of floor-space on the appeal site over and above that which is existing, so as thereby to retain both the rural and open nature of the gap.
- 5.15 It follows that any proposed redevelopment of the appeal site which would increase employment levels over and above that which was existing when Policy DEV12 was adopted would conflict with

that Policy; as would any proposed redevelopment which comprised a significant increase in floorspace on the appeal site; as would any proposed redevelopment which thereby failed to retain the rural and open nature of the gap in this locality.

- 5.16 As before, any proposed redevelopment which did breach Policy DEV12 by failing to retain the rural and open nature of the gap, is to be refused planning permission in accordance with section 38(6) of the 2004 Act unless material considerations indicate otherwise.
- 5.17 Furthermore, it is important to note that where any proposed redevelopment of the appeal site does seek permission in greater extent than that contemplated by the supporting text to Policy Dev12, whether by proposing higher employment levels than were existing at the time that Policy was adopted, or by proposing a significant increase in existing floorspace, it is very likely that the consequence will be to lead to increased harms to other material considerations, whether by reference to traffic, noise or air quality etc., all of which must also be weighed in the planning balance against this proposal, alongside the breaches of Policy thereby entailed.
- 5.18 In the event that any of the above Policies are found to be breached, and other attendant harms to interests of acknowledged importance thereby caused, permission should – accordingly - not be granted for the proposed redevelopment unless justified by compelling evidence, for example of some need that must be met in the national, regional or local interest. Even then, and in the light of the requirements of Policy G1 of the Structure Plan, permission should not be granted if that need could more suitably be met elsewhere. The burden of demonstrating both compelling need and an absence of any more suitable site would fall upon the appellant.
- 5.19 Whilst fully appreciating that all planning appeals must be decided on their own merits, it is in this regard informative to see the approach taken by the Inspector and Secretary of State in recent appeal decision on the Radlett Airfield proposal in Hertfordshire⁶.

⁶ Reference APP/B1930/A/07/2045747

- 5.20 In particular, the Strategic Rail Freight Interchange proposal at Radlett was refused permission because, whilst there was an acknowledged need for the development in order to take freight off the road and onto rail, which need was supported by national Government Policy, it was not demonstrated by the appellant's alternative site assessment that this need had to be met by development in the Green Belt.
- 5.21 The following is particularly noteworthy when comparing the Radlett appeal and the present case:
- a. Unlike at Radlett, the appeal site in the present case is not in the Green Belt. However, it is in a Strategic Gap and, by virtue of Policy G1 of the Structure Plan, as in the Radlett case, the proposed development should not be permitted if it can more appropriately be located elsewhere. If the alternative site assessment at Radlett was inadequate, at least it had been undertaken. In the present case, there has been no alternative site assessment at all.
 - b. Furthermore, unlike at Radlett, in the present case there is no compelling need for this proposal supported by national policy. Indeed, and in stark contrast to Radlett, this proposal is not designed to take freight from road to rail, but to load more onto the road network – a move in the opposite direction. Moreover, no other economic evidence has thus far been adduced to the effect that the proposed development is needed at all, still less in this particular location and in the light of the employment profile of the surrounding locality. This matter is considered in more detail in the Sustainability Proof.
- 5.22 The following sections of this Proof assess the proposed development against the constraints and limitations prescribed by the Policies considered above

6 ANALYSIS

6.1 Landscape and Visual Impacts

- 6.1.1 The Hampshire County Structure plan provides a useful definition of Strategic Gaps. They “are designated to protect those areas of land which, although not necessarily of the highest visual attractiveness, have particular importance as open and undeveloped land. This land is an important element in the structure of the settlement pattern at a strategic level, providing a clear visual and physical break in the built environment. They keep individual settlements separate and distinct. They may also have other important benefits for local communities as areas with recreation, amenity, and/or nature conservation value. Strict control of development is necessary if their importance is to be maintained.”⁷
- 6.1.2 The purpose of the Strategic Gap is to perform a function; to provide a clear visual and physical break preventing coalescence of urban areas. To achieve its function it has to exhibit certain characteristics, predominantly that it has an open and rural character⁸ which obviously distinguishes it from the adjoining urban areas.
- 6.1.3 CON19 and emerging Preferred Policy 20 protect the open and undeveloped landscape from being physically or visually diminished and its rural character and open nature from being eroded.
- 6.1.4 The Appellant has gone to great lengths to establish the lack of visual impact of the development on the surrounding area. He has taken steps to try and maintain tree cover and adopt architectural finishes that attempt to disguise the massive buildings. He has attempted to prevent the development having visual impact outside the site.
- 6.1.5 Visibility is a function of awareness. Several large buildings exist on the site but are nearly invisible because of the lack of activity, the lack of noise and lack of traffic and people accessing the

⁷ Taken from Hampshire County Structure Plan – Saved Policies September 2007

⁸ Structural Plan Policy G1, Local Plan Policies CON19 and DEV12

buildings. Many people are not aware of the presence of any of these buildings. Buildings that are massive, operate 24 hours a day, are extensively lit, generate noise, people and traffic become very visible because of the attention they attract. The visual intrusion is not because the harm escapes from the site, but because the attention will be drawn to the site and therefore the Strategic Gap will be visually diminished. It will have lost its openness.

- 6.1.6 Physical diminution of the gap is achieved by removing rural characteristics such as trees and grass land and replacing them with urban features such as roads, street lighting and traffic lights. The character of the Strategic Gap migrates from being predominantly open and rural to urban fringe therefore qualitatively diminished. There is no qualification to the word "diminish" so any reduction in the physical or visual quality of the Strategic Gap is a breach of policy.

6.2 Maintain Employment Levels

- 6.2.1 The maintenance of "existing employment levels" is important because of the consequential impacts on the Strategic Gap and the compatibility of the type of employment with the open and rural character of the gap. The Appellant has persistently referred to 1600 employees being his entitlement supported by the Certificate of Lawful Use. The Certificate clearly states "Zones 1-5 above employed 1600 personnel on the site as a whole". The application site only represents Zone 1 of the five zones, so the 1600 is an overstatement and in addition the Certificate specifically states "employed" not employs. The 1600 was an historic employment peak at the end of the 1970s and the early 1980s at a time when there was no designated Strategic Gap.
- 6.2.2 Therefore the period relating to "existing employment levels" is when the Local Plan (Replacement) was adopted. Employment

levels in July 1997 were 700⁹ and by 2002, when the Plan was finally adopted, the number was between 100 and 300 staff; significantly lower than that claimed by the Appellant. The lower number of staff would more appropriately reflect the type of development in keeping with the character of the Strategic Gap.

6.2.3 The proposed level of employment represents an intensification of employment beyond that implied by DEV12.

6.2.4 Equally "existing employment levels" can imply the qualification and skill level of the employees. Pyestock, as the National Gas Turbine Establishment employed highly qualified scientists and highly skilled technicians. There was an array of administrative and support staff, but very few who would be classified as warehouse operatives. The NGTE along with other DERA establishments operated first class apprenticeship schemes providing skills training in "high tech" industries. This reflects the commentary to DEV12 and 13 to the retention of training facilities.

6.3 Retaining the open and rural nature of the Strategic Gap

6.3.1 The current, near derelict, site falls into two distinct areas. The north western area which comprises the main industrial type buildings, linked by a labyrinth of pipework. The remainder of the site can be characterised as dispersed buildings in a park like setting with open grass areas and copses of mature trees¹⁰. Visual sight lines exist through the site from all directions thus preserving the open and rural nature of the strategic gap. The size and orientation of the proposed buildings, 126,216 m² (1,358,000 sq ft) in plan by up to 19m (62ft) high will form a physical and visual barrier and the scale and mass of the buildings will diminish the open and rural nature of the strategic gap. The buildings are arranged in such a configuration (07/03197/MAJ) that the impact is a continuous wall of steel from which ever direction the site is

⁹ Planning Application 99/000020/C1884, report by Scott Wilson, Construction Option Studies DERA Farnborough, November 1997, page 20

¹⁰ Appendix 6 – views within Pyestock site.

viewed. The buildings will be easily visible, all year, from the New vely Road and the amenity areas to the North of the site during the hours of daylight and at any time during the hours of darkness because of the extensive external lighting to working and parking areas.

- 6.3.2 The Appellant claims that there exist buildings taller than the proposed development. Precise levels of a significant number of buildings are given in Appendix B of the Addendum to Environmental Statement issued in August 2008¹¹. The ridge height of Shed B is stated as 101.22 mod., the tallest proposed building whereas existing building 638 is stated as 101.25 mod (3mm taller) and Building 621 at 102.50 mod (72mm taller). Building 621, the old blower house, which distributed air to the test beds, is potentially the largest existing building on the site. That part of the existing building higher than Shed B is approximately one eighth of the area of Shed B and significantly smaller than the 69,469 m² (just under the area of 14 football pitches) of sheds B,C,D and E, all of which will be 19m (6 stories), high to ridge line.
- 6.3.3 The primary issue of the mass and bulk of the buildings, although they will be visually intrusive, is the consequences of the buildings. A few of the existing structures have the appearance of industrial buildings, but they are benign in their impact on the adjacent environment. They very occasionally caused noise, predominantly operated on a five day normal working hour week and attracted little traffic.
- 6.3.4 The new buildings are to operate 24 hours a day, 7 days a week and require a significant flow of traffic, predominantly HGVs, in the more common sense of large vehicles, to support their existence. It is the type of operation and significant number of vehicles with their consequent, air, noise and environmental pollution that is incompatible with the open and rural nature of the Strategic Gap.
- 6.3.5 What "rural activities" that take place on this scale on a 24 hour, 7 day a week basis?

¹¹ Appendix B Figs B44, B46, B47,B48 and B49

6.3.6 The Appendix to the Certificate of Lawful Use identifies 193 individual buildings on the site (Zone 1) that cumulatively total 73,673 m². The majority of the buildings are relatively small and low rise. The larger buildings are dispersed around the site giving the impression of space. The site is well landscaped with open grass land and belts of trees such that it does not intrude visually outside the site. The proposed new development has 126,216 m² of development in 10 and potentially only 6 buildings. The scale and mass of buildings is evident from these simple proportions. This is a significant intensification of development that diminishes the open and rural character of the Strategic Gap.

6.4 Associated Works

6.4.1 The recently realigned New Ively Road reduced the strategic gap by over 10 hectares. Verge landscaping is only just starting to mature. The addition of a significant new roundabout on the New Ively Road will remove developing areas of landscape (marked on drawing No. 73059/B/2 as an area of small trees and shrubs) and mature trees. It will introduce road markings and signage that will urbanise the gap and further reduce the effective separation area. No indication is given of the extent of the land loss. Light standards will further urbanise the area. Lighting will be necessary and significant as the new access would be used at shift changes, where a three shift system is deployed. At least one shift change will be during the hours of darkness and because of the location of the roundabout, tangential to the main road alignment, it will be essential for safety reasons that the junction is well lit. This urbanises and diminishes the open and rural environment.

6.4.2 Bramshot Lane widening, the associated cycleway and the introduction of a new roundabout at the entrance to the site reduces the gap removing trees and intrudes into a SINC.

6.4.3 The 24 hour traffic on this road effectively urbanises the area, which is compounded by the extensive lighting designated on Drawing No.

LS14973/11¹² comprising 20 number 8m (25ft) lighting standards and 6 number 10m (32ft) lighting columns together with 63 illuminated bollards. A currently, near invisible lane will be turned into a major urban road severely diminishing the open and rural nature of the Strategic Gap.

- 6.4.4 Minley Link Road signalised junction will need to be extensively lit and utilise elevated traffic signals to accommodate the significant number of HGVs using the junction. No details have been presented. An indication of the extent of the junction and its associated road markings and signage is given on Fig B 100.¹³ Increase in the junction area is achieved by sheet piling on the existing slopes. This will require extensive temporary works including clearing of trees and shrubs in the line of the piles, possibly indicated by the red strips shown on the right hand panel of Fig B100. Based upon the given contours at least 2.5 metre vertical pile faces will be exposed. These can be planted and landscaped but typically 15 year maturity is quoted by the Appellant and so the integrity of the Strategic Gap will be seriously diminished in this recovery period. Again the loss of Strategic Gap in terms of vegetative area is not stated. This significant new junction diminishes the open and rural nature of the gap north of the railway. Elevated signals, more light standards, road markings and furniture will further urbanise the gap. The proximity of the junction to the edge of the Strategic Gap will effectively progress urban creep into the Strategic Gap and diminish its value in providing a open and rural separation of urban areas.
- 6.4.5 112 The necessity of the conversion of the roundabout to a signalised junction has been stated to be for reasons of "geometry." It is to make it easier for very large vehicles to access and exit the site. The loss of Strategic Gap is therefore a direct consequence of the scale and type of development.
- 6.4.6 The revised proposals for the noise barrier along the length of the Minley Link Road now includes removal of the existing vegetation

¹² Addendum to Environmental Statement, August 2008, Appendix L

¹³ Addendum to Environmental Statement, August 2008 Appendix B

along the verge and earth bank that forms the eastern perimeter of the Strategic Gap. The proposal is to clear a 2.9 to 3.8 metre verge¹⁴ erect the timber noise barrier and then replant in front of the barrier. This means the loss of mature vegetation along the whole length of the road between the main line railway and the motorway, producing a hard linear edge to the Strategic Gap until such time as the new planting matures. This will have significant impact on the rural character of the Strategic Gap.

- 6.4.7 There will be an overall reduction in openness and rural nature of the strategic gap and a loss of visual amenity from the New Ively Road in the south to the access roundabout on the southern side of the M3 in the north. These urbanising features significantly splinter the gap, greatly reducing its already critically narrow existence giving the impression of coalescing the townships on either side of the gap. Particularly the lighting along the Bramshot access road will "draw" the development into the Southwood area, effectively closing the gap between Fleet and Farnborough.
- 6.4.8 This diminution of the Strategic Gap is a direct consequence of the scale and type of development which is inappropriate within this setting.

6.5 Inappropriate Scale of Development

- 6.5.1 The increase in floor space from 73,673 to 133,414 m² (**81%**) is very significant and therefore "inappropriate" in terms of policy DEV12. This represents excessive intensification of development out of keeping with the open and rural nature of the Strategic Gap.
- 6.5.2 In addition to the actual building footprint, the development proposes: 1,137 car parking spaces, 60 trailer parking bays, docking bays and flat access points outside the limits of the building together with vehicle turning and service areas. Drawing LS14973/1 included in the Lighting Assessment very clearly

¹⁴ See drawing No.2423-PL-052 E submitted with the Addendum to the Environmental Statement

illustrates the over development of the site within the context of DEV12. Very little land is left on the site for internal landscaping.

6.5.3 As already established it is the consequences of development that leads to additional harm by increased traffic, associated operational and traffic noise and pollution and damage to the local environment, all of which are dealt with under separate proofs of evidence.

6.5.4 The constraints established by DEV12 that employment levels should be **maintained**, and therefore a significant increase in floor space would be **inappropriate** are breached and as a consequence the open and rural nature of the Strategic Gap is diminished. The inappropriateness of the development is evident.

6.6 Case for Development

6.6.1 As discussed within the Planning Approach, Policy G1 of the Structure Plan rejects development where it can be more appropriately located elsewhere, but as there has been no assessment of alternative sites this condition cannot be tested.

6.6.2 120 The case is also made that a breach of policy can be weighed against a compelling need. The Appellant has indicated that he has no immediate occupants for the site, which is confirmed by his inability to give actual traffic numbers for the development. Additionally, the Appellant has indicated that the site will be developed in phases as demand arises and could take up to six years. This is hardly evidence of compelling need. Pure commercial need does not meet the standard of imperative reasons of overriding public interest.

6.7 Future Direction

6.7.1 Emerging policy supports the prevention of coalescence of residential areas with a distinct identity. Hart's emerging Local Development Framework Core Strategy Preferred Options, Policy 20 clearly prohibits development that would *erode visually and*

physically the separation of towns and villages within or adjoining the district. The target for achievement within the plan period is 100% of the Strategic Gap safeguarded from development conflicting with preferred option policy.

- 6.7.2 The protection of the Strategic Gap is therefore a long term aim. Strong inference can be drawn from the saving of Policies G1, CON19 and DEV12 to allow continued protection of these valued landscapes while the planning process is in a hiatus. Once the Strategic Gap is diminished it is lost forever and the chances of recovery are small. The Strategic Gap in the area between Fleet and Rushmoor is already fragile. It needs to be protected to preserve the identities of the individual communities, provide a valuable public amenity and provide space for nature conservation.

7 CONCLUSION

- 7.1 Of all the policies that have influence over development of the site, the key ones are saved Structural Plan Policy G1, and saved Local Plan policies CON19 and DEV12 which all relate to development within the Strategic Gap.
- 7.2 The planning application breaches Hampshire Structure Plan Policy G1 in that the open and rural appearance of the Strategic Gap is compromised by the access works which have an urbanising impact on the landscape. The extensive removal of trees and grass land to accommodate the development splinters the Strategic Gap from the New Ively Road to the M3 motorway visually diminishing the gap, perceptibly bringing adjoining urban areas closer together.
- 7.3 The 24 hour working and volume of traffic generated by the development has a significant negative impact on the immediately adjoining amenity areas.
- 7.4 There has been no attempt to demonstrate that there is no alternative site outside the Strategic Gap where the development could be more appropriately located. There has to be a demonstrable reason why policy should be breached.

- 7.5 Policy CON19 constrains development such that the Strategic Gap is not diminished physically or visually.
- 7.6 Although the Appellant has made attempts to limit the visual impact of development it is argued that it is the awareness of the development operating 24 hours a day that draws attention to the site and therefore it does visually diminish the Strategic Gap.
- 7.7 It will not be possible to “enjoy” the significant amenity areas immediately adjoining the site without being aware of its presence.
- 7.8 126 The works associated with the site such as Bramshot Lane widening and lighting, physically and visually diminish the Gap and therefore breach policy.
- 7.9 The mass and scale of development far exceeds the constraints placed on redevelopment of the site by Policy DEV12 and this intensification of development causes consequential harm not only to the Strategic Gap but to adjoining residential areas, amenity areas and areas of nature conservation. The scale and type of development is inappropriate for the rural character of the locality.
- 7.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that planning determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.11 So far as other material considerations are concerned, it is the excess development over that which DEV12 properly contemplates that leads to the other material harms that have caused such public concern related to traffic, noise, air quality, the local environment and health. All of which must be weighed in the planning balance and refused unless;
- There is compelling evidence of a need to be met sufficient to justify the breach of policy and the infliction of harm in all its forms.
- There is no compelling evidence that such need can only, or most appropriately, be met on this particular site.
- 7.12 It is our contention that no such evidence has been presented and therefore the application must be refused.