

## **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 an Honours Degree in Civil Engineering, 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 Issues to be addressed in this Proof of Evidence**

1.2.1 The evidence to be presented covers the following areas:

- I. The unreliability of the traffic assessment and the numbers of vehicles that will be generated by the development in the peak hour periods.
- II. The wrongful reliance that is placed on the Certificate of Lawful Use to establish the "fall back position"
- III. The full scope of a Traffic Assessment and potential 24 hour and seven day traffic patterns.
- IV. The impracticality of the proposed traffic capping and routing agreements.
- V. The impact of the proposed modifications to the local road network.
- VI. The traffic related impacts of the scheme on the affected residential areas and the local environment.

1.2.2 My evidence will demonstrate that there exist significant anomalies, errors, omissions and discrepancies in the Appellant's supporting documentation to his two planning applications. In addition, it will present independent evidence to demonstrate that the Appellant's traffic predictions are unreliable and, as such, the full impact of the proposed development is not predictable and therefore this appeal must fail for lack of certainty.

### **1.3 The Proposal**

1.3.1 The planning application is to convert the substantially disused National Gas Turbine Establishment (NGTE) into a collection of large distribution warehouses all classified as B8 use, operating on a 24 hours per day by 7 days a week. The application indicates that:

66,457 m<sup>2</sup> of existing buildings will be demolished.

7,198 m<sup>2</sup> of existing buildings will be retained (three occupants)

126,216 m<sup>2</sup> of new warehouse buildings will be constructed.

133,414 m<sup>2</sup> the total area of development on the site.

1.3.2 It is proposed to provide 1137 parking spaces, 60 lorry parking bays and substantial hard standing working areas approximately another 126,000 m<sup>2</sup> equal to the building area. The total area of the site is approximately 45 Ha.

1.3.3 In addition to the warehousing and internal access roads it is proposed to modify parts of the existing local road network:

- Widen the existing Bramshot Lane access road from the Summit Avenue roundabout to the site access gate, including a parallel cycleway and pedestrian access. The widened road will terminate in a new roundabout outside the current entrance.
- Construct a new roundabout and site access on the New Ively Road on the south side of the site for employee and emergency vehicle access only.
- Convert the existing roundabout on the Minley Link Road immediately north of the railway bridge into a signalised "T" junction.

- Widen the road in the vicinity of the junction between Aldershot Road and Fleet Road called Windy Gap.
- Modify the entrance into the roundabout at the junction of New Ively Road and Kennels Lane.

## **1.4 Existing Site/Traffic Conditions**

- 1.4.1 The site is located in the middle of the Strategic Gap separating Fleet from Farnborough, Aldershot and Yately. The area generally comprises open grassland or woodland. The area is predominantly owned by Ministry of Defence (MoD) who manage the land. Access to the M3 motorway is via Junction 4A, approximately 2.5 km north of the entrance gate. Access to the motorway is via three or four roundabouts, a railway bridge and the single carriageway A327, Minley Link Road.
- 1.4.2 Access to the site is from the north off the Summit Avenue roundabout immediately south of the main line railway. Bramshot Road is a narrow tree lined tarmac road that leads to both the entrance to Pyestock North (the application site) and to the secure access to Qinetiq's main site via the bridge that passes over the New Ively Road which passes to the south of the site.
- 1.4.3 Access to the M3 motorway is via Junction 4A, approximately 2.5 km north of the entrance gate. Access to the motorway is via three or four roundabouts, a railway bridge and the single carriageway A327, Minley Link Road.
- 1.4.4 Summit Avenue which provides access to Southwood residential estate and a number of commercial building developments, including Nokia's UK headquarters, becomes heavily congested in the evening peak periods with traffic travelling west and north, trailing back from the roundabout north of the railway line up to a kilometre along Summit Avenue.
- 1.4.5 In the morning traffic heading south from Junction 4A often queues extensively from the roundabout north of the railway back towards Junction 4A.

- 1.4.6 New Ively Road is heavily used in an easterly direction in the morning peak as employees access the QinetiQ site, Farnborough airfield and the major commercial development on the northern perimeter of the airfield.
- 1.4.7 In the evening peak traffic queues develop around the Windy Gap junction often tailing back onto the New Ively Road around the Norris Bridge roundabout.
- 1.4.8 To the east of the site Kennels Lane links the New Ively Road with Summit Avenue. It is a very narrow, tree lined, country road with several sharp bends, completely unsuitable for heavy vehicles. It is designated as part of the Fleet Eastern By-pass.
- 1.4.9 The extent of the local road network and the congestion points are shown in Appendix 1.

## **1.5 Planning History Relevant to Traffic**

- 1.5.1 The current road layout was created with the development of "The Hub" now QinetiQ's headquarters at Cody Park. Under planning application 99/000020/C1884 (HD), 98/00757/C1884 (RBC) the New Ively Road was constructed together with the Norris Bridge roundabout over the Basingstoke Canal and the roundabouts at the eastern end of the new road linking Kennels Lane and the main access to Cody Park. The old Ively Road was closed removing the southern access into the Pyestock Site.

The new roundabout immediately south of the main line railway was constructed and the northern end of Bramshot Road was diverted to join the highway network at the roundabout.

- 1.5.2 To provide access to Cody Park's main site, from the north, for work traffic coming off the motorway at Junction 4A, a perimeter road to the east of the Pyestock site and a bridge over the New Ively Road was constructed. This access is controlled by a security gate at the

north eastern corner of the Pyestock site and the southern end of Bramshot Road.

- 1.5.3 The final piece of development was at the T junction at Windy Gap to provide additional turning capacity primarily for traffic travelling east along Aldershot Road and turning left onto Fleet Road.
- 1.5.4 To understand the Appellant's current position it is necessary to review some of the history of Planning Application 03/01475/OUT submitted by the previous owner, QinetiQ, in 2003. The Appellant has assumed a position of continuing a debate that was initiated under that planning application, primarily related to the potential impact of peak hour traffic on an already heavily congested local road network. At its worst it was predicted that development traffic would cause queues significant enough to affect flows on the M3 motorway. The Highways Agency was indicating its objection to the proposal and had undertaken separate studies<sup>1</sup> to challenge the work carried out by Scott Wilson<sup>2</sup>, consultants, on behalf of QinetiQ.
- 1.5.5 The Highways Agency's letter of 19<sup>th</sup> March 2004<sup>3</sup> provides some useful preliminary clarification. Firstly it clarifies that in the Agency's opinion and following modelling:

*"it is evident that there will be a problem at Junction 4A which will affect the M3 off slips in the AM peak, even without the development (primarily because of the combined effect of the Slough Estates and Sun Microsystems development)."*

- 1.5.6 The fourth paragraph of page 3 of the letter then clarifies that the developer's traffic consultant had raised the issue of the Certificate of Lawful Use, issued in November 2003, and had "sought to convince us that the existing buildings, if reused, could generate the same amount of traffic as the proposed development." The HA responded that case law dictated that a theoretical legal entitlement

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<sup>1</sup> Parsons Brinkerhoff, Technical Note No4 , December 2004

<sup>2</sup> Proposed Commercial Development on Land at Pyestock, North Farnborough, Technical Volume 4, Traffic Assessment, September 2003

<sup>3</sup> Letter to Hart District Council explaining the Agency's position and their discussions with the developer's traffic consultants

is not sufficient in itself to justify a fall back position and that *"in the event of permission being withheld re-use for the authorised purpose must be a practical proposition."*

1.5.7 The letter refuted the use of the TRICS database as a means of establishing the traffic generation from the proposed re-use because the *"buildings were demonstrably different to the buildings within the application site...it would not be appropriate to assume that any which are converted and re-used would necessarily generate the same traffic levels as the modern purpose built developments in TRICS."*

1.5.8 Finally the letter at page 4 states;  
*"in order for the proposed development to be acceptable to the Agency, the developer would need to undertake modifications to the J4A which prevent any worsening of the anticipated queuing problems upon the off slips...but the developer will inadvertently be worsening the situation by virtue of his proposals to improve the Summit Avenue/Minley Link Road roundabout."*

1.5.9 The Appellant took up the traffic debate from this point and has primarily sought to address the contentious issue of the peak hour traffic volumes not exceeding the levels that would be generated by his "fall back position" primarily to avoid liability for road network improvements.

## **2. ASSESSMENT OF PEAK HOUR TRAFFIC NUMBERS**

2.1 The Appellant has persistently contested that traffic numbers generated by standard methodologies such as investigation of the TRICS database are not representative of traffic generated by large warehouse units, where large is defined as building units in excess of 100,000 sq ft (liberally converted to 10,000 m<sup>2</sup>). The Appellant therefore attempted to generate a database of selective developments that he claimed was more representative of large warehouse units. This information is presented in Schedules 1-12 in the M3 Junction 4A Impact Summary.

- 2.2 The critical point to be made is that the traffic assessment has not changed despite a significant change in the proposed number and scale of sheds to be developed on the site. This is evidenced by the fact that the critical traffic related documents are dated May 2005<sup>4</sup> and January 2005<sup>5</sup> respectively and have only summarily been updated.
- 2.3 The Appellant's earlier application 05/00742 identified seven sheds totalling 136,386 m<sup>2</sup>. This proposal detailed development outside the boundaries of lawful use identified by a Certificate of Lawful Use for Development Number 03/00220/LDCEX issued under Section 191 of the Town and Country Planning Act:1990 on 21<sup>st</sup> November 2003.
- 2.4 At the same time the Appellant was publicly advertising a single shed opportunity of 114,200 m<sup>2</sup> (1,230,000 sq. ft.) which would have been part of a five shed development totalling 146,241 m<sup>2</sup>.
- 2.5 At the public exhibition in June 2006, the developer presented revised, illustrative layouts in which all the proposed buildings were contained within the development limits shown on the Certificate of Lawful Use for Development. This reconfiguration required a reduction in the total area of building development. The Outline Planning Application, 07/00764/MAJOR which followed the public exhibition, the subject of this Appeal, presented three illustrative options covering 10, 9 and 7 shed layouts, but all totalling 126,216m<sup>2</sup>.
- 2.6 Detailed shed sizes were presented in the Design and Access Statement for Application 05/00238/MAJOR, but it is not possible to establish shed sizes within the Design and Access Statement for Application 07/00764/MAJOR as all sheds are given maximum and minimum dimensions which can be infinitely varied so long as the overall total development does not exceed 126,216m<sup>2</sup>.

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<sup>4</sup> M3 junction 4A Impact Summary Report

<sup>5</sup> Transportation Impact Assessment

2.7 The final Detailed Planning Application 07/01397/MAJOR was for 10 sheds with the size of each shed identified on Drawing No. 2423-PL-081 E

2.8 The history of the shed size development is set out below as Table 1 with details of the division between large and small sheds and the ratio of shed sizes. The point is laboured because the traffic analysis employed by the Appellant has not changed despite the changes in building configuration. This is made very clear by reference to page 14 of the Transportation Impact Assessment. The metric conversion of this data is included in column three of Table 1 below.

Shed ref..	Application 05/00742 (1)	TIA (7) Section4 Page 14	Very Large Shed (2)	Outline Option 3 (3)	Detailed Plan (4)
A	58,436		114,238	78,729	
B	17,373		7,105	6,072	26,339
C	35,302			29,282	22,661
D	9,290		9,290	3,366	10,056
E	3,480		3,995	925	12,409
F	11,148 (5)	11613	11,613	4,224	6,928
G	1,301			2,208	31,538
H					3,676
J					2,560
K					6,620
L					3,430
TOTAL	125,183 (6)	126,812 (8)	146,241	124,806	126,216 (9)
Small	4,780	5,574 (8)	20,390	16,795	35,622
Large	120,402	121,238	125,851	108,011	90,594
Ratio l/s	25	21.7	6	6.4	2.5
% small	3.8%	4.4%	13.9%	13.5%	28.2%

Table 1 Schedule of Shed sizes included in Planning Applications

(1) From Drawing No.2423/PL/003

(2) From Drawing No 2423/FE/69

- (3) Taken from Application 05/00238/Major, Design and Access Statement, Option 3, 7 sheds
- (4) From Drawing No 2423-PL-081 E
- (5) Stated to be "Sigma" shed, but represents an existing occupier of the site
- (6) Total excluding Sigma shed as not apparent if existing building to be replaced.
- (7) Transport Impact Assessment included in Detailed Planning Application 07/01397/MAJOR
- (8) Metric conversion of areas quoted in square feet, 60,000 and 1,305,000 sq ft respectively
- (9) Converted to Gross External Areas = 126,216 from 122,687 Gross Internal Areas quoted on Drawing No. 2423-PL-081 E

Additionally, the ratio of office space to warehouse space has changed significantly.

5,110 m<sup>2</sup> (55,000 sq ft) of ancillary office space from Page 14 of the TIA, compared with 9,218m<sup>2</sup> detailed on Drawing No.2423-PL-081 E.

This represents an 80% increase in office area.

This has two immediate consequences:

Firstly, the developer acknowledged that smaller sheds generated more traffic because of the higher ratio of office space to warehouse space compared with larger units.

Secondly, a significant increase in office space would be associated with an increase in office staff that generally work a conventional working day and therefore would contribute a greater number of vehicles in the morning and evening peak hours.

- 2.9 Section 4.05 of the TIA treats the total area including office space as B8 use because it is suggested it "*will automatically allow for this component.*" This does not apply if the ratio is significantly changed.
- 2.10 It is our contention that smaller warehouse units, especially those without loading docks, generate different traffic patterns to very large warehouses serviced by dock levellers. These smaller units are often used for local distribution and therefore utilise larger

numbers of smaller vehicles and potentially do not follow the same traffic pattern as larger units working on a 24 hour shift basis.

2.11 If Schedule 13 of the M3 Junction 4A Impact Summary is adjusted to account for the change in small to large sheds, using the Appellant's own traffic ratios, the number of car trips increases significantly; 140% in the AM peak and 154% in the PM Peak (see Table 2 over). The number of HGVs is not affected as the Appellant's ratio for small and large sheds is the same.

2.12 The initial planning application for the site, 03/01475/OUT, submitted by QinetiQ in 2003, was for a mixed development comprising a campus style technology park together with a conference centre and accommodation plus an area of B8 warehouse units. The traffic projections for this development were generally accepted, but the consequences of the traffic volumes in the morning and evening peaks were contested by the Highways Agency.

This development comprised:

50,091 sq m Gross Floor Area (GFA) B1 (15 offices and conference facilities)

51,998 sq m GFA B8 (in up to 6 large storage and distribution units)

2.13 The traffic assessment was initially undertaken by Scott Wilson Kirkpatrick on behalf of QinetiQ and employed the use of 85<sup>th</sup>ile results from the TRICS data base. The results of that analysis for AM and PM peak periods were presented as *Table 7.1: Traffic Generation (85<sup>th</sup> Percentile Trip Rates from TRICS* (Appendix 3)

The numbers were challenged by the Highways Agency and the revised figures presented in Parsons Brinkerhoff's (PB) Technical Note 4. The Summary figures are set out in Table 3 of that report. (see Appendix4)

It is relevant to note that both Scott Wilson and Parsons Brinkerhoff's analysis were carried out in terms of total numbers of vehicles without addressing the split between HGVs and other vehicles. This aligns with general practice which quotes total vehicle numbers and an HGV content, usually as a percentage.



2.14 If we take the office and warehouse areas from the Detailed Planning Application given on Drawing No.2423-PL-081 E within the *Design and Access Statement*, the 6 smaller sheds now proposed, total 35,622 m<sup>2</sup>. By simple proportion (35,622 /51,998) the following numbers can be derived for the Detailed Plan area:

AM Peak two way traffic movements 118

PM Peak two way traffic movements 167

These are total traffic movements and so these need to be added to the sum of the cars and HGV movements derived for Large sheds presented in Table 2:

	AM Peak Two Way	PM Peak Two Way
Schedule 13 large	173	173
PB's Small	118	167
Total related to Detailed Layout	291	340
Schedule 13 totals	255	266
Percentage difference	114%	128%

Table 3 Compilation of large and small shed data

2.15 Schedule 13 in the M3 Junction 4A Impact Summary Report, is based on a developed area of 1,467,455 sq ft, whereas the above calculation produces higher traffic numbers based on the lesser area of 1,358,578 sq ft. It cannot therefore be claimed that the Schedule 13 calculation is conservative. These numbers demonstrate the Appellant has not considered the worst case

PB's Technical Note 4 also provides at Table 7 an assessment of the refurbished site traffic generation; the fall back position.

	AM Peak Two Way Traffic	PM Peak Two Way Traffic
PB refurbished Site	346	284
Total related to Detailed Layout	291	340
Percentage difference	84%	120%

Table 4 Comparison of development traffic with "fall back" position

- 2.16 This not only defeats the Appellant's claim that he is not required to provide highway improvements, but it also dispels his argument that the traffic generated by the proposed development would be beneficial to the local highway network.
- 2.17 The significant increase in non-HGV traffic cannot be as a consequence of a change in the ratio of office space to storage space alone, but more rationally to a change in the type of vehicles using the warehouses that are not classified as HGVs, i.e. have less than three axles if we use the definition of an HGV being promoted by the Appellant in his proposed capping agreement. The Appellant's submission refers solely to cars and HGVs and makes no reference to lorries and vans which are more likely to service smaller units. In fact the three smallest warehouse units as detailed on Drawing No. 2423-PL-081 E do not have any dock levellers and rely solely on level access doors.
- 2.18 Finally, relevant to the peak hour argument, I wish to bring to the Inspector's attention data presented at the Howbury Park Planning Appeal. This data was submitted by Prologis who are now associated with the Pyestock project through their acquisition of Astral. HGV peak hour trip rates were presented for 10 depots. Eight of the results are from the TRICS data base and the other two relate to surveys conducted at DIRFT (Daventry International Rail Freight Terminal). The data downloaded from the Appeal web site is presented as Appendix 5). The comparison with the Schedule 13 factors is set out below. It has to be noted that Schedule 13 figures relate to movements per dock, which are provided on the basis of approximately 1 dock per 10,000 sq ft, whereas the figures

from Howbury are based upon movements per 100 m<sup>2</sup> of development.

Data	HGV Trip Rates per 100 m <sup>2</sup>			HGV Trip Rates per 100 m <sup>2</sup>		
	AM Peak Hour 08:00 – 09:00			PM Peak Hour 17:00 – 18:00		
	Arrive	Depart	Two-Way	Arrive	Depart	Two-Way
Schedule 13	0.043	0.041	0.084	0.023	0.041	0.064
No of HGVs	54	52	106	29	52	81
Howbury 85%ile	0.067	0.054	0.121	0.063	0.078	0.141
No of HGVs	85	68	153	80	98	178
Howbury Average	0.044	0.033	0.077	0.037	0.039	0.076
No of HGVs	55	42	97	47	49	96

Table 5 Comparison of HGV trip rates for Howbury and Pyestock

What Table 5 clearly demonstrates is that from a sample of 10 sites the ratios used to develop the Pyestock traffic numbers only matches the average number of vehicles; it is significantly less than the 85%ile figure. This totally undermines the Appellant’s repeated claim that he is quoting “worst case” numbers. Worst case means that all other data points would fall below the Appellant’s predictions; they do not.

2.18 The Howbury data clearly demonstrates that there is a very large variation in the peak hour traffic generation depending upon the type of distribution depot. Christian Salvenson’s South East Kent warehouse which is a redistribution centre generates nearly four times the HGV traffic in the AM peak than that used in Schedule 13. The two DIRFT surveys show a 100% variation between the AM and PM peak traffic flows. The average of the two numbers produces figures lower than Schedule 13, but if these numbers relate to a rail freight terminal the number of HGV movements will be suppressed.

2.19 With no known end users named at this time the allocation of warehouse units to local distribution, regional distribution or

redistribution is not known. Caution is therefore recommended and the use of an 85<sup>th</sup>ile traffic factor for planning purposes should be retained.

- 2.20 What this simple assessment shows is that using the Appellant's own numbers, but changing the ratio of small and large sheds, or by using other similar site data, worse traffic numbers than the Appellant's "worst case" can be demonstrated. This exposes the lack of robustness of the traffic assessment within the peak hour periods and more importantly that the "legal fall back" traffic numbers can be exceeded.

### **3. RELIANCE ON THE LEGAL "FALL BACK" POSITION**

- 3.1 As previously explained, the Appellant has focused his traffic assessment on only two hours a day to try and demonstrate that the traffic projections in these periods potentially fall within the traffic numbers that would be generated by the existing use rights as a consequence of the Certificate of Lawful Use. This is as a direct result of the debate that developed over the previous planning application by QinetiQ 03/01475/OUT which resulted in the Highways Agency showing grave concern over the level of peak hour traffic and potential queuing onto the M3 slip roads at Junction 4A (Report prepared by Parsons Brinkerhoff Technical Note 4 dated 08/12/2004). The argument is promoted by the Appellant that if the peak hour traffic generated by the "fall back position" is greater than the proposed development traffic there can be no restraint by the HA related to impacts on the M3. A similar argument also applies to the local highway network and the County Highway Authority. These two statutory authorities would be embarrassed to admit that the highway capacity was not adequate for approved developments and their position to a large extent has therefore been compromised.
- 3.2 The Highways Agency in their letter to HDC of 19<sup>th</sup> March 2004 addressed the issue of the rights of the "legal fall back position".

They state "*firstly there must be a realistic prospect of the buildings in question being brought back into use in the event that permission is not forthcoming. There is case law to the effect that a theoretical legal entitlement is not in itself sufficient to justify a fall back position against which an application can be judged. This implies that there must be intent to re-use the buildings in the event of permission being withheld and that re-use for the authorised purposes must be a practical proposition*". The HA subsequently carried out a joint survey with the Appellant to establish those buildings that could be brought back into use. The results of the survey are included in Appendix A to the M3 J4A Impact Summary. The areas were again revised in Parsons Brinckerhoff's (on behalf of the Highway Agency) letter of 5<sup>th</sup> February 2008 as:

- 16,492m<sup>2</sup> B1 Business use,
- 18,273 m<sup>2</sup> B2 General Industrial use and
- 4,749m<sup>2</sup> B8, Storage and Distribution.

3.3 It is reported that through discussion with the MoD a typical occupancy level for offices in similar types of research establishments was established. A total employment level was then determined by multiplying the occupancy level by the area of usable office space and peak hour traffic numbers projected from this employment level. The detail of this computation has not been made public and is not therefore able to be verified.

3.4 Following the ruling in *R(on the application of Windsor and Maidenhead RBC) v Secretary of State for the Environment, Transport and Regions* [2001] P.L.C.R, 497 reliance cannot be placed on the fall back position unless the implementation of the fall back position is a real possibility. "The mere existence of a planning permission (in this case a Certificate of Lawful Use) is not of itself conclusive<sup>6</sup>. Hart District Council has already asked the Appellant what the real likelihood of letting the accommodation on the site is

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<sup>6</sup> Planning Practice R.48: September 2007, 3068

in relation to current market conditions and alternative availability. The suitability of reusing the accommodation must be within the context of "continuation of research and development use" to comply with the Certificate of Lawful Use. Zone 1 of the certificate covering the proposed area of development is said to be:

*used as a whole for research and development of products or processes within Class B1(b) with uses of individual ancillary buildings more accurately described in Appendix A.*

- 3.5 B1 use is conditioned as "*being a use which can be carried out in any residential area without detriment to the amenity by reason of noise, vibration, smell, fumes, smoke, soot, dust or grit*". Those buildings classed as B2 and B8 within Zone 1 must be treated as ancillary to the primary use of B1(b) and therefore comply with the residential area condition of B1 use. Significantly traffic generation has not been specifically included in the "test", but it has been interpreted to include noise and vibration arising from traffic generated by use.
- 3.6 Application of the theoretical test would militate against extended working hours and this should be one of the criterion against which re-use of the site should be assessed. The Appellant has failed to demonstrate that the site could be commercially re-used under these limitations especially with the site and the accommodation in their current condition. It is for the Secretary of State to judge if the prospect of the fall back position is theoretical or real.<sup>7</sup>
- 3.7 It has to be seriously questioned if there is a real commercially, viable proposition of bringing the "reusable" buildings back into use. There is already a surplus of high quality office accommodation in the area. If it is necessary to clear the more derelict parts of the site and carry out necessary decontamination work to make the existing office space commercially attractive, would the Appellant be able to attract rents on that area of building space that would realistically show a return on investment? This would not only include the capital cost, but also the cost of clearance and decontamination?

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<sup>7</sup> *R.(on the application of Exmouth Marina Ltd) v First Secretary of State* [2006] J.P.L. 204

The Appellant has made a significant issue of the contamination on the site and unless it was dealt with, it would likely make the letting of the refurbished offices commercially unattractive. The reality of the "fall back position" must therefore be in question.

3.8 We would further contest that if the exercise of establishing traffic rights based upon planning rights is a function of employee and commercial traffic generated by the use of the site, then any "existing traffic" rights needs to be offset. The exercise conducted by the Appellant to establish his "fall back" traffic levels used a number of employees who could occupy the site and therefore use road capacity. In 1999 DERA made an 18/84 application for the development of Cody Park (now the Qinetiq establishment). The planning application 98/00757/C1884 lodged with Rushmoor Borough Council expressly stated that it covered both the Cody Park Site and the Pyestock Site. The DERA Hub was to employ a total of 1620 staff made up as follows:

- 450 from Chertsey
- 200 from the airfield
- 250 from Cody Gate
- 300 from Queens Gate
- 100 from undisclosed closures
- 100 from Pyestock new site
- 160 from Pyestock demolition
- 60 from recruitment.

3.9 What was described as "Pyestock new site" was an area in the south west corner of the site stated to be erection of various industrial and storage buildings on the Pyestock site comprising redevelopment of previously developed land. The application, which was approved, therefore effectively transferred 260 staff from Pyestock to the Hub development and their traffic rights went with them. This allowance cannot be duplicated on the Pyestock site and accordingly the numbers projected by the Appellant should be appropriately reduced.

3.10 The Addendum to the Environmental Statement issued in August 2008 reveals in the Air Quality Chapter, paragraph 4.9 at page 20 that the re-use of the site will generate 115 HGVs and 2,790 car movements per day. As the B8 warehousing is ancillary to a research and development facility it is likely that the number of HGVs generated would be significantly lower than a more commercial use of the warehousing. It is difficult to rationalise how 4,974 m<sup>2</sup> of warehousing generates 115 HGVs when the Appellant is prepared to enter into a capping agreement for 800 HGVs per day from 126,216 m<sup>2</sup> of B8 warehousing. If 800 HGVs per day is the correct figure for the full development, then 4,974 m<sup>2</sup>, by simple proportion would generate 31 HGVs per day. Or, conversely 126,216 m<sup>2</sup> will generate 2,961 HGVs. There is an obvious incompatibility in the numbers; they cannot both be correct.

3.11 To test the number of employee vehicle movements it is not unreasonable to apply the parking ratios defined by Hampshire County Council. These are

Use Type B1(b)	1space /45 m <sup>2</sup>	applied to 16,492 m <sup>2</sup>	= 366 spaces
Use Type B2	1space /45 m <sup>2</sup>	applied to 18,273 m <sup>2</sup>	= 406 spaces
Use type B8	1space /90 m <sup>2</sup>	applied to 4,794 m <sup>2</sup>	= <u>53 spaces</u>
		Total	825 spaces

If we allow 2 movements per day plus a 20% allowance for visitors, this would total 1980 traffic movements, over 800 vehicle movements a day less than the Appellant is claiming.

3.12 If these new traffic numbers are accepted as the latest assessment by the Appellant it is difficult to rationalise them with the fall back limits stated in the Traffic Position Statement at page 2 which states the 24 hour limit is 4000 vehicles two-way total. The Addendum to the ES figure equates to 3020 (2,790 + 2x 115) vehicle two way movements per day a significant variation. Neither figure is substantiated or supported.

- 3.13 The reasons why the Appellant has laid such stead in the Certificate of Lawful Use are to establish that there is no necessity to make financial contributions to road improvements, other than to those deemed of benefit to the development and the external impacts of the development will be no more than historic use.
- 3.14 In a further attempt to substantiate traffic levels from historic use of the site the Appellant states at Section 2.03 page 4 of the Traffic Assessment that by applying "*existing mode split information for the retained Cody Complex has been supplied by Qinetiq which shows that 85% of employees travel by car.*" This is extrapolated to suggest that 1,224 employee car trips would have been made historically. This totally avoids the key issue that the peak employment, around 1600 staff, occurred in the late 1970's when car ownership was not at the levels enjoyed today. Additionally many local employees cycled to work or used the dedicated bus services that extensively covered the local area.
- 3.15 To further their historic use argument the Appellant presents traffic survey data undertaken in June 2004, presented as Appendix D to the Traffic Assessment<sup>8</sup>. This purports to show 727 vehicles entering the site between 07:00 and 10:00 hours in the morning and 684 vehicles leaving the site between 16:00 and 19:00 hours in the evening. We have previously pointed out to the County Highways engineers that drawing Number 62043/K9 which graphically represents the traffic distribution from the site, uses an old topographical map that does not show either the New Ively Road or the access bridge that crosses this new road allowing access to the main QinetiQ site. If traffic was solely counted entering Bramshot Road, it would not be known which site the traffic was accessing. As employment levels on the site between 2003 and 2006 varied from 60 to 100 persons it is difficult to rationalise 352 and 286 vehicles accessing the site in the peak hours and the validity of this survey is totally in question despite the Appellant's rebuttal.

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<sup>8</sup> Paragraph 2.05, page 5

- 3.16 Additionally, the Addendum to the Environmental Statement, August 2008, under the Chapter on Air Quality, presents us with the adjusted results of a more recent traffic survey carried out over the Easter Holiday period in 2008.<sup>9</sup> This quotes the daily traffic flow on the Site Access Road (Bramshot Road) as 2,668 vehicle movements, when there are only three units operating on the site employing less than 100 staff. The major traffic flow is using the eastern perimeter road allowing access to the main QinetiQ site via the bridge over the New Ively Road. This survey data exposes the false assumption drawn from the 2004 survey. The traffic numbers are not solely related to Pyestock North site.
- 3.17 The validity of the traffic data presented in the Addendum to the Environmental Statement is questioned. The traffic survey was carried out over a period including the Easter Bank Holiday weekend; not a neutral period. The traffic numbers particularly on the Minley Link Road would not be representative of normal traffic patterns and therefore any consequences based upon this data should be dismissed.
- 3.18 To place the figures in context, the 1999 DERA 18/84 application previously referred to<sup>10</sup> for the development of the Cody Park site included a report by consultants Scott Wilson, entitled Construction Option Studies: DERA Farnborough. Figs 3.1, 3.2 and 5.1 present 1997 traffic counts for 08:00 to 09:00 and 17:00 to 18:00 at the two access points to the site, Bramshot Gate and Fairway Gate. The latter provided direct access onto the original Ively Road.

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<sup>9</sup> Paragraph 4.09, Table 1 page 43 2007 figures derived from 2008 figures by the factor 0.991 – paragraph 4.08 page 42

<sup>10</sup> Rushmoor Borough Council 98/00757/C1884 – Appendix 2

The results were as follows:

08:00 – 09:00	IN	OUT	TOTAL
Bramshot Gate	125	14	139
Fairway Gate	114	32	146
Total	239	46	285
17:00 – 18:00			
Bramshot Gate	14	79	91 (sic)
Fairway Gate	63	114	177
Total	77	193	268

Table 6 Historic Traffic Data for Pyestock Site

- 3.18 Page 20 of the Report states that at July 1997 there were 700 employed at the Pyestock site and 2,300 on the Cody Complex.
- 3.19 The number of employees on the site concurs with our research which shows that in 1996 approximately 600 to 800 persons were employed on the site despite Cell 4, the Concorde test bed, having closed. By 2000 the number of employees had reduced to around 300 following a period of voluntary redundancies.
- 3.20 This survey reveals two key points. Firstly, the traffic counts in 1997 are lower than those reported in 2004 when the number of employees would have been significantly greater and therefore throws the 2004 figures into doubt. Secondly the 1997 figures show a much smaller ratio of car movements to employees, approximately 40% compared with the 85% used to calculate a comparable historic traffic pattern. This clearly demonstrates the fallacy of attempting to combine present day statistics with historical use of the site and undermines the reliance placed on the 2004 survey to support the Appellant's fall back position.

#### 4. AN APPROPRIATE TRAFFIC ASSESSMENT - 24 HOUR TRAFFIC PATTERNS

4.1 The Department for Transport Guidance on Transport Assessment 2007 sets out numerous criteria that must be investigated which have been totally ignored by the Appellant. The Appellant has avoided, as far as possible, assessing a realistic 24 hour traffic pattern and in particular a seven day traffic pattern. The Appellant in his Detailed Planning Application<sup>11</sup>, has quoted from the 2007 DfT Guidance on Transport Assessment. It is therefore not unreasonable to expect the Appellant to consider all the requirements of the guidance which extends significantly beyond a consideration of only two hours a day. In fact the extract quoted by the Appellant calls for:

*"a quantification of the person trip rates generated from the existing site and their modal distribution" or in the case of a vacant site realistic trips which might realistically be generated by any extant permission or permitted use."*

4.2 There is no limitation on the period to be investigated, but a requirement to establish the total trip rates.

4.3 Chapter 4 of the DfT Guideline gives a detailed procedure for preparing a transport assessment<sup>12</sup>. Numerous aspects of the process have not been followed. As previously elaborated there has been an assumption throughout the applications that only the two peak periods in any working day are critically worth analysis. Section 4.54 states *"A TA should normally consider the following analysis periods:*

- (1) Weekday morning and evening peaks on the adjacent transport system.*
- (2) Weekday morning and evening peaks for the development.*
- (3) An off peak period selected to assess the greatest change resulting from the development.*

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<sup>11</sup> Traffic Position Statement, page1

<sup>12</sup> Appendix 9

(4) *Weekend peak period if the development is anticipated to generate significant levels of new trips at weekends."*

- 4.4 The Detailed Planning Application suggests a complex traffic pattern because of the mix of large and small warehouse units. No traffic pattern has been promoted that realistically represents the current proposal, so no analysis exists for conditions 2, 3 or 4 above. The assumption that there will be a strict three shift pattern over the whole site is unsupportable and therefore significantly more work is required to establish the real impact of the site generated traffic.
- 4.5 In support of the Government's climate change initiative, importantly, the Guidance calls for baseline carbon emissions data for the site, broken down by mode (4.7). No attempt has been made to establish the carbon impact of the site. A very influential factor in the Appeal Decision to allow the Howbury Rail Freight Terminal<sup>13</sup> was the significant saving in carbon emissions by transferring freight from road to rail. The full impact of the millions of road miles that will be a consequence of this development has never been assessed.
- 4.6 The traffic impact assessment submitted by the Appellant does not include an accident assessment, despite one having been previously submitted with the earlier QinetiQ planning application. Sections 4.23 – 4.26 of the DfT guidance gives information on how safety considerations and accident analysis should be conducted. None of this procedure has been followed. This is particularly relevant in view of the exceptionally high accident rate at Junction 4A of the M3 admitted to by the Highways Agency in their submitted statement<sup>14</sup> and the higher accident rate attributable to HGVs<sup>15</sup>.
- 4.7 Despite statements to the contrary there is no substantiated evidence that the proposed road improvements are likely to make

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<sup>13</sup> Appeal APP/T2215/A/05/1185897 and APP/D5120/A/05/1198457, appeal by Prologis Ltd Application Refs; DA/04/00803/OUT and 04/04884/OUTEA Land adjacent to South Eastern Trains Depot, Slade Green, Bexley

<sup>14</sup> Written Statement by the Highways Agency, Regional Planning Group, June 2008

<sup>15</sup> Green Party Briefing Paper - see Appendix 7

the road network safer. As no base-line accident assessment has ever been performed the claim is unfounded.

4.8 Equally a rational traffic distribution accessing and leaving the site has never been established. The Appellant has indicated a willingness to enter into a routing agreement for HGVs, where again it must be assumed that this agreement only extends to vehicles with three or more axles and there is no detail of how such an agreement can be effectively enforced.

4.9 A distribution of employee related traffic has been undertaken on the basis of QinetiQ, employee home post code information<sup>16</sup>. No comparison has been presented on how representative this data is in relation to job types and skill levels between a high technology business park and a distribution depot. It is another example of an inappropriate use of data.

4.10 The Appellant attempts to substantiate his daily HGV traffic load from first principles in Schedule 19 of the M3 Junction 4A Impact Summary. This calculation is very similar to that presented in the West Midlands Regional Logistics Study<sup>17</sup>, but differs in three significant ways

- a building height reduction factor is introduced -0.82
- a cross docking factor, on the basis that all buildings over 250,000 sq ft will be cross docked. – 0.86
- conversion factor from standard ISO 30 ft container to a 44 tonne HGV equivalent – 1.35, the same as a 0.74 factor

4.11 If all three factors are compounded this results in a factor of 0.52 equivalent to halving the number of vehicles projected under the West Midlands Study.

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<sup>16</sup> M3 Junction 4A Impact Summary, Appendix A, HA correspondence Question 8

<sup>17</sup> Final Report September 2005 prepared for the West Midlands Employment Land Advisory Group, Appendix 1, page ix (Appendix 8)

- 4.12 As 15m and 19m high buildings are now planned, the height reduction factor cannot be applied universally across the site.
- 4.13 Only two building on the site, under the Detailed Planning Application, are now proposed to be in excess of 250,000 sq ft, but drawing No 2423-PL-081 E shows none of the sheds to be cross docked.<sup>18</sup> This layout evolved as a consequence of attempting to reduce the noise transmission from the site. The 0.86 reduction factor is therefore no longer applicable.
- 4.14 As an interesting rider, paragraph 6.23 of the Transport Assessment adds that "*cross docking....can be taken as a clear indication of the operator's intent to use such buildings over a 24 hour period.*" It might therefore be assumed that with the removal of cross docks from the Detailed Planning Application that 24 hour operation is no longer a design criterion nor an operating requirement.
- 4.15 Thirdly with a significant reduction in the size of the units and three units not being provided with dock levellers it is not guaranteed that all deliveries, to or from the site, will be by 44 tonne HGVs. The 0.74 reduction factor cannot be applied universally across the site.
- 4.16 Two other factors are embedded in the calculation:
- the stock turnover taken as 20 times per year
  - the number of vehicles that are "backloaded" i.e. enter and leave the site full, taken as 80%.
- 4.17 The West Midland's study concurs with the Appellant that Regional and National distribution centres have a different stock turnover, quoted by the Study as 26 and 13 times per annum respectively. An average of 20 used by the Appellant is an acceptable average.
- 4.18 "Backloading" only works where it is possible for a vehicle to discharge and load the same volume of goods, the ultimate being a full load. Backloading is most prevalent among the supermarket

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<sup>18</sup> Transportation Assessment paragraph 6.23 "cross docked". That is to say both sides of the building have facilities to accept HGV deliveries."

distributors utilising a dedicated fleet of lorries for bulk delivery of goods and then redeployed on local distribution. With the greater number of smaller units it is more likely that delivery and distribution will be by separate hauliers therefore significantly increasing the number of vehicles accessing the site. With the configuration of sheds presented in the Detailed Planning Application it is considered most unlikely that a figure of 80% will be achieved. If the figure was dropped to 50% this would result in a 25% increase in daily vehicle movements, but, in addition, this calculation is only valid if the HGVs arrive full and depart full. Partial loads will swell the number even further.

- 4.19 This theoretical calculation demonstrates the complete lack of robustness in the Appellant's arguments and can readily indicate at least twice the number of HGV movements predicted.
- 4.20 This theoretical calculation can be supported by some factual 24 hour traffic surveys of distribution centres. Half hourly traffic data over three days in July and August 2005 have been published for Sainsbury's distribution warehouse at Waltham Point, Essex.<sup>19</sup> This single warehouse has an area of 64,661 m<sup>2</sup> approximately half of the proposed development area at Pyestock, but produced 963, 704 and 920 HGV movements in the three days monitored. The last number represents the vehicle movements on a Saturday. No weekend traffic projections are submitted by the developer.
- 4.20 The same traffic analysis also gave 24 hour traffic figures as an average of seven day traffic flows. This covers three sites repeatedly quoted by the Appellant.

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<sup>19</sup> Chapter 6, Trip Generation, submitted as evidence to Prologis Park Newbury, see Appendix 10

Site	Cars 24 hr average 2 way trips			HGVs 24 hr Average 2 way trips			Pystock equivalent for 126,216 m <sup>2</sup>	
	In	Out	Total	In	Out	Total	Total Cars	Total HGV
Trips/100m <sup>2</sup>								
EuroHub	0.44	0.43 1	0.871	0.429	0.425	0.853	1099	1076
Grange Park	0.62 9	0.66 5	1.294	0.230	0.270	0.500	1633	631
Waltham Point	1.26 4	1.23 5	2.461	0.705	0.684	1.389	3106	1753

Table 4 24 hour traffic patterns for three similar sites

- 4.21 Traffic surveys were undertaken at DIRFT South which is a Rail linked depot. The site is separated from the rest of the development and therefore traffic surveys could identify the traffic related to the four warehouse units owned by Tebbit and Britten. Total building area is 107,462 m<sup>2</sup>. The 24 hour traffic counts over a period 4<sup>th</sup> -12<sup>th</sup> December 2003 were:
- i. Cars and light vehicles 3,570
  - ii. HGVs 903
- 4.21 The number of HGVs will be affected by the fact that some goods arrive by train; nine a day during the survey period. This will have the effect of suppressing the number of HGVs<sup>20</sup>.
- 4.22 The 24 hour numbers demonstrated above illustrate both the variance in the number of vehicles in relation to the end user of the facility and the number of facilities that are only a fraction of the development area of Pystock that generate far greater HGV movements per day than predicted by the Appellant. This yet again demonstrates the lack of robustness of the numbers and their not being the worst case as suggested.
- 4.23 The Addendum to the ES, August 2008, under Chapter E, Air Quality at paragraph 4.9 quotes the number of traffic movements as 800 HGVs and 2641 cars. The Appellant has not substantiated his car

<sup>20</sup> Planning application 04/04384/OUTEA, Traffic Assessment, Appendix C, DIRFT Survey data, submitted by Prologis.

volumes, but they can be deduced from the total number of employees.

- 4.24 Research shows that high stock turnover sites employ a significant number of staff. For example, Tesco's Thurrock depot employs 1,100 staff on 46,000 m<sup>2</sup> = 239 staff / 10,000 m<sup>2</sup>. Sainsbury's warehouse near Worcester employs 600 full time staff and 236 part time staff at a 31,416 m<sup>2</sup> shed. (265 staff/10,000 m<sup>2</sup>). At these levels of employment the three largest sheds alone could employ around 2,000 staff.
- 4.25 Additionally a characteristic of warehouse employment is that it is disposed to part time working and job sharing which increases the number of car movements. We would conservatively suggest employment levels around 1,800 full time employees with 600 part time staff. This would equate to a total of 4,900 vehicle movements per day allowing for visitors and service vehicles.
- 4.26 Based upon our research of 24 hour traffic patterns and assessing the number of vehicles from first principles the total daily traffic movements could conservatively be stated as 1,500 HGVs and 4,900 cars and light vehicles per day.

## **5. THE BENEFITS OF PROPOSED TRAFFIC NETWORK IMPROVEMENTS.**

- 5.1 The developer has proposed some road improvements related to the project;
- a. The widening of the Bramshot Road to allow the passing of HGVs.
  - b. The transformation of the roundabout on the North side of the railway on the A327 into a signalised "T" junction.
  - c. The addition of a roundabout on the New Ively Road to provide light vehicle access onto the Pyestock site.
  - d. Modifications to the junction between the Aldershot Road and Fleet Road known locally as Windy Gap junction
- 5.2 This road improvement was added at the request of the County Highways Department, who accepted the road improvement works

on the basis of the previous QinetiQ planning application and not as a direct consequence of the current planning application<sup>21</sup>.

5.1.1 **The Bramshot Road** is currently infrequently used through the day and is a popular parking spot for dog walkers and residents enjoying the environs of Fleet Pond. The regular passage of HGVs and other vehicles including lorries, vans and cars accessing the site will either make crossing the road extremely dangerous, unless some form of pedestrian crossing can be provided, or parking will become a contentious issue. Complete removal of any parking facility will significantly reduce the amenity of the area. If the scheme were to be approved it should be incumbent upon the developer to provide adequate alternative parking and ensure the amenity area is not isolated from the residents of Southwood by providing safe pedestrian crossing facilities. The proposed widening of the Bramshot Road compromises a designated SINC and creates no benefit to the public road network at large but potentially creates a hazard as outlined above.

5.1.2 Even if the appropriate safe access arrangements were made the impact of the constant traffic flow on a much used recreation and amenity area would be significant.

5.2 **The transformation of Minley Link Road into a signalised "T" Junction.** No detail has been presented within either the Outline or the Detailed planning applications as to the proposed road arrangements and the mode of operation of the traffic signals. The developer claims the arrangement is solely for "geometry reasons" and has nothing to do with the increased traffic flow that will be joining or leaving the Summit Avenue roundabout. As the current roundabout is navigated by HGVs without any apparent problem, the necessity for changing the road geometry appears spurious. Brakes Bros. currently operate a small warehouse facility on Summit

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<sup>21</sup> HCC letter of 26<sup>th</sup> September 2005. (Appendix 12)

Avenue that is serviced by HGVs. There appears to be no “geometry” impediment in accessing their site.

- 5.2.1 The preliminary study undertaken on behalf of Hampshire County Council (Southwood Congestion Study – Preliminary Assessment of Options; September 2006) demonstrates that the roundabout immediately north of the railway is operating over capacity which inhibits traffic flows and contributes to queuing along Summit Avenue.
- 5.2.2 The study concludes that the roundabout capacity is only improved by the introduction of traffic lights and three lanes approaching the junction, two lanes ahead or right and a separated left hand turn only lane.
- 5.2.3 The practicality of constructing this revised junction geometry is questioned as the current roundabout is located on the top of a 20m high embankment within 60m of the railway bridge.<sup>22</sup> This issue was declared to be outside the scope of the Congestion Study, but the physical and legal restraints of enlarging the embankment structure in close proximity to an hotel, the railway line and housing are not addressed. As the Appellant has no control over the land outside the immediate limits of the highway it is revealed in paragraph 2.34 of the Addendum to the Environmental Statement for the Outline Planning Application that sheet piling will be deployed to allow an increase in the area of the top of the embankment. The extent of temporary works to accommodate sheet piling part way up a steep slope has not been addressed and the extent of tree and vegetation clearance will be significant. The visual impact of this is addressed in the Evidence to the Strategic Gap.
- 5.2.4 The benefit of the junction primarily lies in the creation of the three lane approach. The current flare to the roundabout approaching from Summit Avenue is only 18m long, enlarging from 3.8 to 8.5m. The potential to increase this flare is inhibited by the proximity of the junction to the end of the railway bridge. HGVs (typically 15m

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<sup>22</sup> Southwood Congestion Study , Section 4.3.1 (Appendix 13)

long) that will form a significant proportion of the traffic generated by the development will “choke” the access to the other lanes when they are held by the traffic lights while waiting to turn right towards J4A of the M3. This phenomenon is described by the Southwood Study as “entry starvation”, with right turning traffic restricting left turning traffic. It has not been demonstrated beyond any reasonable doubt that the modified junction will provide the benefit suggested in the preliminary report.

- 5.2.5 To demonstrate the improvement to traffic flows, the mathematical model (LINSIG) utilised 2005 traffic data and is described as a design tool for an isolated junction. The modelling did not include any projected traffic from the proposed Pyestock development. Neither does the model appear to take account of a high HGV content nor the fact that the proposed junction operates in close proximity to roundabouts on the A327 Summit Avenue and A3013 Fleet Road. The results of the study therefore do not address the impact of the proposed development and there is no substantive evidence to demonstrate the efficacy of the junction in dealing with projected traffic flows.
- 5.2.6 The model is very simplistic and only takes account of traffic at the Minley Link Road junction. There is a complex interaction between the several roundabouts at the end of Summit Avenue. A new dynamic will be created when greater traffic volumes access Bramshot Road from the North effectively interrupting westbound traffic flow along Summit Avenue and equally in the evening period traffic travelling west along Summit Avenue will have priority over traffic entering the roundabout from Bramshot Road.
- 5.2.7 It is worth quoting from the Conclusions and Recommendations of the Draft Report on the Southwood Study which stated:

“This scheme (the signalised junction) would overcome PM peak period congestion problems but could be of limited benefit outside that period. It is recommended that a feasibility study and cost benefit analysis should be undertaken to assess the suitability of this option. However, as this scheme was submitted in connection

with a development proposal it may be that the scheme could be partially or wholly funded by the developer”.

- 5.2.8 **The design and impact of this junction is a significant matter of detail that needs resolution before a commitment to Planning Approval can be given. No detailed proposal has been submitted by the developer that is in the public domain and no supporting calculation has been presented to demonstrate the efficacy of this proposal and its ability to cope with realistic traffic flows from the development.**
- 5.2.9 The local road network is currently heavily congested in the morning and evening peak periods which already extend beyond the theoretical one hour period. This congestion exists with the current level of traffic generated by the existing occupants of the Pyestock site, currently less than 100 employees.
- 5.2.10 The potential for increased congestion has been recognised by the County Highway engineers. In a presentation to the Hampshire Action Team for Hart and Rushmoor,<sup>23</sup> a group of County Councillors responsible for cross boundary projects, a senior highways engineer reported:

*In effect the construction of the full mitigation package will be of benefit to the local network over and above the base situation when considering the possible reoccupation of the development under established use rights. **In real terms, however, the site is currently operating at significantly reduced levels and there will be an appreciable increase in traffic generated from the site over and above existing levels.*** (Emphasis has been added)

- 5.2.11 This is a clear indication that the proposed works will not provide the network benefits claimed by the Appellant. The benefit is only in theoretical terms if the fall back position claimed by the Appellant is accepted.

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<sup>23</sup> HAT for Hart and Rushmoor Meeting of 27<sup>th</sup> April 2007, update on the Pyestock Development, presented by Tim Wall, Senior Engineer, Development Control HCC ( Appendix 14)

- 5.3 The addition of a roundabout on the New Ively Road** is intended to provide light vehicle access onto the Pyestock site and is of no benefit to the general traffic network. It introduces a hazard on an otherwise fast rural single carriage road and bisects one of the few quality off-road cycle ways in the District. The only reason for the addition of this roundabout is for the benefit of the developer to separate cars from the HGVs and improve the efficiency of their operations. Although inconvenient to the developer, other major depots have single shared access for cars and HGVs.
- 5.3.1 The location of the roundabout has been moved from that indicated in the Outline Planning Application; Drawing No. 2423/PL/002R. The primary reason for this relocation to the south western tip of the development is to reduce the visibility into the site from the New Ively Road. By moving the location and carefully aligning the internal access road, visibility of the site from Ively Road can be reduced, but it places the roundabout at the crown of the bend along Ively Road. Poor visibility of the roundabout creates a hazard. Additionally it is not possible to accommodate the roundabout within the existing highway reservation and therefore it has been moved north such that the existing carriageway is almost tangential to the roundabout. Traffic travelling south along Ively Road will have no visibility of traffic exiting the site and turning south which will have priority on the roundabout. This is evidence of the Appellant rearranging road layouts for personal advantage and not for reasons of improvement to the road network. This is not a road network improvement for anybody but the Appellant.
- 5.3.2 The only traffic survey that has been undertaken on the New Ively Road was conducted in 2008 over the Easter Holiday period and the adjusted daily traffic flows are presented in the Air Quality Chapter of the Addendum to the Environmental Statement , August 2008, Table 1 at page 43. There is no evidence of how this data has been incorporated into the design of the roundabout and what safety benefits this new access brings to the highway network.
- 5.3.3 Local Plan Policy T15 denies development where the new access adversely affects the safety and character of the non-strategic road

network. The introduction of a roundabout on the crown of a bend, tangential to the centre line of the road, with restricted visibility must impair the safety of an otherwise high quality rural road.

- 5.3.4 All traffic could access the site from the Summit Avenue roundabout and along the Bramshot Road. This would:
- Remove the traffic hazard from the New Ively Road
  - Help retain the Strategic Gap by not urbanising the road through the addition of signage and lighting required for safety. If the three shift pattern predicted by the Appellant is realised significant traffic volumes would access this junction between 9 p.m. and 11 p.m on the evening shift change.
- 5.3.5 By providing this alternative access to the site it is likely it would become the favoured means of exiting the site in the evening peak hour as the significant stream of traffic leaving Summit Avenue and heading west towards J4A of the M3 would have priority over Bramshot Road on the Summit Avenue roundabout effectively blocking the exit from the site.
- 5.3.6 The Appellant has not attempted any rational analysis of the traffic impacts on the New Ively Road or the likely distribution of traffic if the Ively Road access point is the preferred means of accessing or leaving the site.
- 5.3.7 The developer's socio-economic study indicates that a significant portion of the employees will come from the Basingstoke area. Making the access on the South side of the site will only encourage workers to come off the M3 at Junction 5 and travel to the site via the A287, the B3013 (Beacon Hill) and the Aldershot Road to Windy Gap junction with the A323 increasing traffic loads on inadequate roads and into residential areas.
- 5.3.8 Workers coming from the North (Reading) or East (London) will approach the site from Junction 4A and the Minley Link Road A327 and directly access the site via the Bramshot Road. The benefits of a southern access to the site for the Appellant are therefore very limited and are of a disadvantage and a hazard to all other road users.

**5.4 Windy Gap junction improvement** to the intersection of Fleet Road and Aldershot Road was not included in the Appellant's original submission. This "improvement work" was introduced by the Hampshire County Highways Engineers in their early comment on the proposal and was a relic of their requirement for the QinetiQ planning application. This had a far greater volume of conventional peak hour traffic and the distribution of that traffic indicated a need for the junction improvement. There is a need for junction improvement work under current traffic conditions, but there is no substantiated evidence that the traffic distribution from the proposed development will have any significant traffic impact on the junction at peak times.

## 6. PROPOSED CAPPING AGREEMENTS

6.1 In the Detailed Planning Application the Appellant introduces the concept of entering into a capping agreement to establish limits on the number of HGVs and other vehicles:

- Any hourly period = 100 HGVs two way
- Any 24 hour period = 800 HGVs two way<sup>24</sup>
- Any hourly period...= 400 PCUs two way<sup>25</sup>

These caps are subject to the following conditions:

The 24 hour figure would be monitored on a weekly basis.

An HGV is defined as any vehicle with three or more axles.

These proposals lead to a sequence of questions.

6.2 The preliminary Draft Agreement submitted by the Appellant appears not to follow these proposals and creates further ambiguity by making reference to an HGV being equal to two PCUs.

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<sup>24</sup> Traffic Position Statement, September 2007 ,page 6

<sup>25</sup> M3 Junction 4A Impact Summary September 2007, page 8

- 6.3 The first question is: does the 400 PCU hourly cap include the 100 HGV hourly cap or are the two additive? If the conversion factor of 1 HGV = 2 PCU's is applied as suggested by the Appellant, in the former case it would be interpreted that there could be 100 HGVs and 200 other vehicles in any hour, or if the latter interpretation is applied it is the equivalent of 600 PCUs in any hour.
- 6.4 This latter number is most perplexing as it represents a figure 62% higher than the AM peak calculated in Schedule 13 and 70% higher than the PM peak in the same schedule which are quoted as PCU equivalents and is significantly higher than the Certificate of Lawful Use fall back position.
- 6.5 Alternatively if one accepts the 400 PCUs as the limit that can be shared between HGVs and non HGVs, in periods of shift change when up to 450 staff could be entering and leaving the site, allowing an 85% car usage factor means there could be 765 two way PCU units in a one hour period. To come within their self imposed cap the shift change would need to be staggered by an hour and at 382 PCU's in each consecutive hour over three shift changes there would be a limit of 9 HGVs for six hours in the day. Both scenarios appear untenable!
- 6.6 What happens when the cap agreement ceiling is reached? Are all further vehicle movements suspended? Unless real time monitoring is employed with a link to a mechanical barrier that closes off the site this is not practical. If the penalty for exceeding the cap is by way of a fine, which is the intention of the Draft Agreement, then the cap purely becomes a number at which an operator makes an economic judgement. Unless the penalty is significant, it will not be a deterrent, but a commercial factor that the supplier will build into his cost structure; the cap then has no meaning.
- 6.7 At the recent Andover Airfield Special Planning Meeting the developer was prepared to enter into a similar capping agreement with a penalty of £500 per vehicle exceeding the HGV cap.

Compared with the commercial value of the contents of a 44 tonne truck this is not a sanction. The declared cap will therefore not inhibit the number of vehicles accessing the site.

- 6.8 Inhibiting the development of the site is not a commercially sustainable situation. If any one occupant of one of the larger sheds can exceed the daily vehicle cap, will the Appellant be prepared to terminate all future development of the site? The answer is obvious. The Appellant has invested heavily in purchasing the site and can only recover his investment through commercial rents or the sale of plots. The Appellant has calculated his returns on rentable area and is fully aware of competitive commercial rents and knows the economic break point. He will look to let or lease 126,216 m<sup>2</sup> of floor space that is his priority and his commitment to shareholders. Prudential are a profit driven company not a philanthropic society. If traffic numbers become a commercial issue the Appellant will seek to renegotiate any conditions or agreements. We are very aware of the realities of that situation. The preliminary Draft Agreement, as presented would not inhibit development because the unconstrained traffic numbers based upon an hourly cap averaged over a week would permit 16,800 HGV movements a week.
- 6.9 With a multiple occupancy site, how is the cap shared amongst the occupants? If each warehouse unit is allocated a cap, it raises the level of sophistication of the monitoring system. If monitoring is solely at the point of entry/exit to the site how are the penalties allocated and why should one occupant bear the burden of another user's excesses? If there is a lack of equity in the apportioning of the penalties then the system will fail.
- 6.10 Why has the definition of an HGV as being a vehicle with three or more axles, as proposed by the Appellant, been accepted by the Highways Agency? This effectively allows large vehicles with only two axles with a capacity up to 21 tonnes and 10.5m long to be classified as a PCU. A selection of photographs and specification's for vehicles that can fall into this category are included as Appendix

15. This class of vehicle will not be included in the 100 HGV cap if this is agreed, neither will they be controlled by the proposed routing agreement and will be free to disperse or arrive on any local route they deem fit. This again is an untenable situation.

6.11 The Highways Agency has submitted a written statement that effectively agrees with the Appellant's proposed HGV capping proposal. It remains silent on the PCU cap. We have responded to the HA's evidence and everyone is aware of our concerns at the position they have taken, but it is necessary to repeat and reinforce one or two of those points again because of the total lack of logic in the HA's argument.

6.12 The HA stated in 2004 that even without the development "*there will be a problem at J4A which will affect the M3 off slips in the AM peak..*" The HA stated again in 2007 that J4A of the M3 was "at capacity."<sup>26</sup> In their statement the HA admit at item 13 that "This (the traffic numbers on the M3) demonstrates that this section of the M3 is at (or nearing) capacity, especially during peak hours." At 14 they admit that the Personal Injury Accident Rate/ million vehicle kilometres is eight times the National Average for a three lane motorway. At 16 they forecast that by 2016 this section (J4A) of the M3 would be severely stressed. This situation is repeated in the HA's regional study<sup>27</sup> which shows "Forecast Daily Stress levels for the Strategic road network". A stress level of over 100% is indicative of roads being busy outside of the peak hours, it is possible for a road's "stress" to exceed 100%. Where such high stress values occur, the roads are likely to be busy for substantial proportions of the day. Fig 7.1 from the South East report shows stress levels for 2016 of 150%+ for the M3 from J2 to J4 and 130-150% between J4 and 4A. Fig 7.2 for 2026 indicates stress levels of 150%+ to J4A and 130-150% to J6<sup>28</sup>.

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<sup>26</sup> HA letters dated 4<sup>th</sup> April 2007 and 6<sup>th</sup> July 2007 submitted to the QEB Appeal APP/N1730/A/118659-62 (Appendix 16)

<sup>27</sup> HA Regional Network Report for South East 2008

<sup>28</sup> Appendix 17

- 6.13 Circular 02/2007 establishes that there will be a general presumption against capacity enhancements on routes of strategic national importance purely to accommodate new developments.”<sup>29</sup>
- 6.14 Against this background the HA appear prepared to accept a significant concentration of traffic onto a highly stressed strategic road and still state at paragraph 19 of their written statement that they “*can make recommendations*” should this development come forward “[that] *the safe and efficient operation of the SRN is not adversely affected.*” Without any budgetary provision for any improvements on the affected section of the M3 it is seriously questioned how this statement can be made. Paragraph 23 of the HA’s statement acknowledges that the “cap” may be breached and “penalties will need to be enforced”. Is a simple financial penalty sufficient compensation to compromise the safety and efficiency of the SRN?
- 6.15 It is equally incomprehensible how the County Road Authority can agree to a capping agreement that potentially allows traffic volumes that exceed all the analysis and the “fall back” position that is so extensively discussed by the Appellant. The capping agreement allows these traffic volumes in any hour which can coincide with the AM and PM peak, but no credible analysis has been presented of the impacts of these volumes on the local road network. The analysis of the Minley Link Road roundabout was based upon 2005 traffic data. There is no evidence presented as to the impact on the road network from the M3, J4A to the Bramshot Gate entrance to the site based upon the “cap” figures. This must be the minimum level of analysis. Until there is clarity as to how the caps relating to HGVs and other vehicles are to be applied and then the traffic impact assessed upon that clarification, the overall impact of the scheme cannot be rationally established and again the Appeal should be rejected on grounds of uncertainty.

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<sup>29</sup> Ibid page 16

## 7. ROUTING AGREEMENT

- 7.1 The Appellant proposes to enter into a routing agreement that all HGV traffic (vehicles with three or more axles?) will access the M3 at Junction 4A via the A327 Minley Link Road.
- 7.2 We have serious concern that this Agreement cannot be realistically enforced. The M3 in the area of Junction 4A is regularly congested in the morning peak period. Vehicles travelling north on the M3 will be inclined to leave the motorway at Junction 5 and take either of two routes. The first via the A287 to Beacon Hill and Windy Gap to access the site either via the A 3013 through Fleet or along the New Ively Road and Kennels Lane. Alternatively, the A30 to Yately and the A327 Minley Road. All of these routes are unsuitable for significant numbers of HGVs.
- 7.3 Similar routes could be used for vehicles accessing the site from the M4 taking a short cut from Reading towards J5 of the M3.
- 7.4 Routing Agreements are only enforceable on vehicles dedicated to the site. Control of third party hauliers is difficult.<sup>30</sup>
- 7.5 Foreign vehicles relying on their SatNav systems to access the site could use any of the above routes. The introduction of the proposed southern access to the site off the New Ively Road could attract HGVs into this area. This again creates the risk that HGVs will then have to negotiate either Kennels Lane or the A3013 into Fleet, creating a serious hazard on unsuitable roads.
- 7.6 North bound traffic, destined for West London or the M25, exiting the site in the morning peak period and encountering congestion at Junction 4A will potentially continue on the A 327 to the A30 at the Yately junction and proceed east to rejoin the M3 at Junction 4. In severe traffic conditions they can continue along the A30 through Camberley to Junction 3
- 7.7 The regular disruption to the M3, as a consequence of it operating at or near capacity, means that the routing agreement will be

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<sup>30</sup> Press Article in Hampshire.net 17<sup>th</sup> October 2008 (Appendix 18)

impractical and unenforceable much of the time. On the Highway Agency's own predictions, this situation will only get worse.

## **8. TRAFFIC RELATED IMPACTS OF THE DEVELOPMENT.**

- 8.1 As discussed in other evidence the number of vehicles and their pattern of movement are essential facts to establish the consequences of the development. Associated noise, pollution, environmental and health implications cannot be reasonably assessed without some sensible foundation. The degree of harm has a straight correlation with the number and pattern of vehicle movements. If some spurious "cap" that is not founded in sensible analysis is adopted as the means of defining the traffic volumes then that figure, without any other evidence to the contrary, must be adopted as the "design criterion" for all other assessments. The various figures presented in Table 1 of the Traffic Impact Summary are of no consequence and the whole Environmental Assessment should be re-assessed on the basis of the caps occurring in any hour, especially as discussed above if the traffic movements in any hour can be the aggregation of the HGV and the PCU movements.
- 8.2 Night time noise calculations will be seriously impacted if 100 HGVs and 400 PCU movements could occur at any time of night. This could be very significant if the Appellant's definition of HGVs is accepted and the PCU number can include a whole variety of other vehicles that would "normally" be classified as HGVs and could generate noise levels equivalent to a three axle HGV. The residents of Pondtail, Southwood and St Johns would be subjected to intolerable levels of noise and night time disturbance.
- 8.3 If the 400 PCU limit is accepted without a 24 hour limiting cap, the Appellant is effectively being allowed 9,600 vehicle movements a day. The pollution impacts on both humans and the environment and the highway capacity have not been tested against these numbers.

- 8.4 Much of the environmental statement needs reassessing against more realistic traffic projections, but would need a serious reappraisal if these higher “cap” numbers were adopted.

## **9. SUMMARY AND CONCLUSIONS**

- 9.1 We trust this statement has expressed our concern that the traffic numbers established by the Appellant are neither worst case nor robust.
- 9.2 The Appellant's preoccupation with Peak Hour traffic numbers, primarily to avoid liability for road improvements has meant that he has not performed an adequate traffic assessment as defined by the DfT.
- 9.3 The Appellant has not reassessed traffic impacts against his own developing site layout and design. His traffic assessment is based upon an analysis of large, cross docked sheds deliberately to expose the different traffic patterns generated by such structures. As such we believe the peak hour traffic numbers are seriously understated because of the significant shift in the size of the individual sheds. This understatement is exposed by using the Appellant's own traffic ratios but applying them to the new sizes of shed.
- 9.4 The Appellant's assessment of HGV movements established from first principles is shown to be totally flawed by not accounting for revisions in the size and access to the warehouse units.
- 9.5 If more rational and previously accepted traffic ratios are used to assess the impact of the revised design, not only are traffic numbers significantly increased, but they exceed the “legal fall back position” that the Appellant is keen to protect because of the consequent liabilities and the change of attitude that would occur with the responsible highway authorities.
- 9.6 A review of traffic assessments of similar developments reveals that the Appellant's traffic numbers are not worst case and are not robust. While the Appellant cannot identify end users and the mix

of local, regional, or national distribution or redistribution at least an 85<sup>th</sup> percentile figure of comparable traffic numbers should be adopted for planning purposes.

- 9.7 We do not accept that the Appellant has transparently or convincingly established a legal fall back position. The acceptance of the quantum of the fall back position is not one of simple technicality, but of practicality and the implementation of the fall back use is a real possibility. Not only has it to be demonstrated that the buildings could be refurbished, but that there is real commercial potential for their re-use for research and development.
- 9.8 If a fall back position exists the Appellant has ignored the planning history of the site, that effectively some 260 staff were transferred to the "Hub" development, now QinetiQ's headquarters and their "traffic allowance" incorporated within that development.
- 9.9 Employee and thus traffic numbers have been based on areas of "reusable" buildings to which have been applied unknown, but potentially inappropriate occupancy levels. The Certificate of Lawful use identifies the primary use of the site as B1(b) with all other uses ancillary to that use. It is not appropriate to use commercial traffic ratios for B8 use in particular.
- 9.10 The Certificate of Lawful use clearly identifies that the Appellant only has development rights to Zone 1 identified in the Certificate. The historic level of 1600 employees applies to all five zones covered by the certificate, so the Appellant cannot rely on this number to attempt to support his argument of historic traffic levels.
- 9.11 The Appellant has not attempted to undertake a traffic impact assessment in accordance with DfT guidelines. We do not know potential traffic patterns from the site on a 24 hour or 7 day a week basis. We cannot therefore assess the total impact of the development. In this time of environmental concern the DfT guide calls for a carbon assessment. This has not been done.
- 9.12 The DfT guide calls for a traffic accident assessment; this has not been done. This is of particular concern because of the congestion

that exists on the local road network and the higher proportion of HGVs within the traffic mix on minor roads. Additionally the HA identifies J4A of the M3 to have a much higher than national average accident rate. Adding hundreds of HGVs and potentially thousands of car movements a day to this area cannot improve safety.

- 9.13 Until such time as an appropriate traffic assessment is carried out and a 24 hour, 7 day a week traffic pattern is established it is not possible to undertake a thorough assessment of the consequences of that traffic in relation to noise, pollution, environmental and health impacts.
- 9.14 We believe the proposed traffic improvements are solely for the benefit of the Appellant and do not offer the benefits to the highway network as suggested. In particular we have highlighted the detrimental impact of the proposed new roundabout on the New Ively Road which introduces a hazard on the crown of a bend, with very poor inter visibility between persons leaving the site and those travelling south on New Ively Road. This conflicts with Local planning Policy T15 (ii).
- 9.15 No meaningful evidence has been presented by the Appellant that altering the roundabout junction on Minley Link Road to a signalised junction will have any beneficial impact. Reliance has been placed by work undertaken by the County Highway consultants based on 2005 traffic flows and modelling the roundabout in isolation. It is in fact part of a complex of roundabouts interlinked by a narrow railway bridge. Any modelling or analysis should accommodate this complexity. If the improvement is solely to improve "geometry" as suggested, we question how existing HGVs negotiate the roundabout.
- 9.16 Primarily we are concerned that the Appellant has not presented a robust or worst case traffic assessment. The proposal of adopting "caps" on the traffic numbers supersedes and neutralises all previous calculations. The caps are not substantiated. If the

Appellant's definition of an HGV is accepted the cap of 400 PCUs in any hour gives the Appellant the "right" to 9,600 vehicle movements in any 24 hour period, including lorries up to 21 tonnes capacity. Even if the 800 HGV cap is included in the figure it still permits 8,000 other vehicle movements a day.

- 9.17 The preliminary Draft Capping Agreement appears to depart from the proposals included in the ES and significantly increases the number of vehicles that would be allowed. If adopted, as proposed, the traffic numbers would significantly exceed not only those presented in Schedule 13 of the ES, but also the "legal fall back" position.
- 9.18 These numbers have not been tested to assess their impact on the highway network or their consequences in terms of noise, air quality, environment and health.
- 9.19 If the application of the caps is not absolute, so as to limit the number of vehicles on the highway network, we are not satisfied that the application of a financial penalty will inhibit the traffic numbers.
- 9.20 We question the operation of a monitoring and control system as being practical on a multiple occupancy site. Operation of a penalty system would readily create inequity that would cause any agreement to fail.
- 9.21 If a capping agreement is considered an acceptable means of determining traffic volumes then the consequences of those agreements need to be tested in environmental terms and a new environmental assessment needs to be undertaken. Again the application could not be accepted without this re-examination of the consequences.
- 9.22 We assert that the proposed Routing Agreement is neither practical nor enforceable. Regular congestion at Junction 4A in the morning peak period will force HGVs to seek alternative access to or egress from the Pyestock site. Routes by-passing Junction 4A take HGV traffic onto roads unsuitable for significant numbers of large

vehicles. Almost nowhere in Hart District will be immune to the invasion of HGVs

- 9.23 We are gravely concerned that in reality the traffic network will become even further congested and the proposed road network improvements, far from having a beneficial effect for the general road user will, in fact, introduce new and unnecessary hazards. Without a rational traffic assessment it is not possible to determine the consequential impacts of the development on road safety, road capacity, noise, emissions, environmental and health impacts. The appeal must fail for lack of certainty.