

## APP/21/01244 – 32 New Lane – Changes to Planning Conditions

Deputation to HBC Planning Committee – 3 February, 2021 by Havant Civic Society and the New Lane Residents

The Planning Services recommendation to the Planning Committee for this application raises serious concerns which challenge the due diligence performed by Officers at both HBC and HCC. Without satisfactory answers to the questions raised, any decision made today would leave the Council, its Officers and this Planning Committee vulnerable to legal challenge.

1. **Condition 9, 'Branding/Livery'**, relied on assurances given by the Applicant to this Committee that the delivery van fleet would be both “wholly owned” and “fully branded”. The Planning Statement now discloses that Delivery Service Partners – sub-contracted third parties and individual van owner/drivers – will perform this function. **The declared employment profile and consequently the declared traffic profile have changed radically since planning was approved.**
2. The intention of **Condition 9**, in combination with **Condition 10 'Traffic monitoring'**, was “to allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes...”. The scope of Condition 10 included **all** routes between the site and the Strategic Road Network junctions with A27/A3(M). **Why have HBC Officers now agreed to focus monitoring on just the southern part of New Lane?**
3. The integrity of the daily vehicle movements profile was first challenged in a document published on the planning portal **ten months ago**. Despite many subsequent documented attempts by Vectos to disguise the evidence underpinning that challenge, the fact remains the same; the declared daily vehicle movements total is significantly understated, with staff vehicle movements missing.
4. While the missing vehicle movements are concealed in part by the applicants' omission of employment numbers from the original Application document, the under-called traffic movements were clearly convenient to the applicant, enabling favourable calculations by both Environmental Health and Highways Office consultees.
5. Access to continuous collection and storage of traffic data on the HCC Traffic Database would render **Condition 10** relevant, precise and enforceable thereby meeting NPPF tests. Instead, the OMP before you reports **only a fraction of the data, infrequently and months in arrears**, patently failing those tests. The revised OMP is unfit for the purpose defined in **Condition 4**, and grossly inadequate for the purpose of **Condition 10**. This raises serious questions of the internal procedures followed at both HBC and HCC which have allowed this document to be recommended.
6. Fellows Planning states<sup>1</sup> that “*For commercial reasons we are not able to share this information with third-party organisations or services. This approach has been discussed at length with both councils*”.
  - a) What legitimate reason is there for the occupier to withhold 24/7 traffic data? Without the complete data, HBC/HCC cannot perform accurate and timely monitoring of the occupier's use of highway services.
  - b) Without the complete data, HBC lack the evidence to monitor compliance with the existing planning approval and will be unable to assess and cost any future applications by the occupier for increases in permitted traffic generation at the site.

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<sup>1</sup> Interview with The News, published on 27 January

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- c) On what legal grounds have HBC and HCC Officers accepted ‘commercial reasons’ as a justification for the occupier’s clear refusal to provide timely, accurate and unfiltered traffic data as correctly conditioned?
  - d) Why is there no evidence of the ‘*discussion at length with both councils*’ in the Planning Portal?
7. Vectos state that 95% of the delivery traffic needs to access the Strategic Road Network at the A27/A3(M), yet the impact of that additional load on the SRN appears not to have been reviewed by **National Highways**, the statutory authority currently challenging Vectos data at Brockhampton West.

Amazon, now **widely understood to be the occupier** with Vectos as retained transport consultant, are following a common tactic using anonymity, unreasonable non-disclosure of essential detail and obfuscation of transport documentation at multiple local authorities throughout the UK.

The ease with which HBC Planning Services have capitulated is astonishing and warrants detailed examination. HBC/HCC should ensure that the documentary record of their analysis and decision making is complete, accurate and auditable. If the Planning Committee votes to approve, Members would be advised to be certain of their reasoning.

The reason that this application was submitted is clear in the ‘Planning Statement’. The changes requested would, if approved, be to **“the advantage of stakeholders** [Havant Property Investments Ltd] **in addition to making the conditions commercially acceptable** [to ‘the intended occupier’ – now widely understood to be Amazon]”.

**This variation of Conditions would certainly not be to the advantage of Havant Borough Council, Hampshire County Council, or the residents of the Borough and must be rejected.**