

7. **18/01673/VARN (PERMISSION) 26.06.2018** 10 – 21
SITE: Little Ochi, 76 Weyhill Road, Andover,
ANDOVER TOWN (MILLWAY)

CASE OFFICER: Katherine Dowle

9. **DELIVERY OF AN ACOUSTIC FENCE ADJACENT TO THE** 28 – 42
A303

APPLICATION NO.	18/01673/VARN
SITE	Little Ochi, 76 Weyhill Road, Andover, SP10 3NP, ANDOVER TOWN (MILLWAY)
COMMITTEE DATE	13 th September 2018
ITEM NO.	7
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1.0 **Plans**

1.1 It should be noted that pages 19 – 21 of the agenda contain the plans previously approved under application 15/02011/FULLN.

2.0 **RECOMMENDATION**

2.1 **No change.**

SITE	Delivery of an acoustic fence adjacent to the A303
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1.0 REPRESENTATIONS

1.1 Letter circulated to all NAPC Councillors (12.09.18)

4 Cypress Grove:

- Noise constitutes the second (behind pollution) risk to the health (physical and mental) of exposed residents and has a negative effect on their quality of life as advised by the World Health Organisation.
- Claims that TVBC have explored and exhausted all possible options are not agreed.
- Only three options for one section has been assessed in detail – itself “lacked specific and detailed supporting data and evidence”.
- Section A - there is absolutely no reason for the failure to fully deliver the Section A fence as this is located on TVBC land! Should have been a priority as it is also a designated Highways England (HE) NIA location!
- Section B – only one option utilising HE land has been considered and then only superficially as some of this section also lies in the same HE NIA. However, this is part of the HQ Land estate and really needs addressing in consultation with them.
- Section C – only three options for delivery of the fencing at Section C have been considered as follows:
 - Option 1. Fencing on Highways England land on the embankment. Given written permission on the 21st February 2012 by the HA; TVBC chose not to install because of future liability issues; TVBC previously advised of this requirement by the HA in writing on 22 December 2009 .
 - Option 2. In-filling of the embankment and installation of the fence on the line of the existing fence. There was a five year delay in examining this proposal in any way which in itself is wholly unacceptable. However, on the strength of one email to the HE in Sept 17 and the HE response they concluded it was not viable. This does not constitute an acceptable basis for rejection. TVBC then conflated the HE response to Option 3 with regard to the proposal for a bund on GCMC land with Option 2; It is unlikely that any retaining structures would be required as the GCMC have previously indicated that in principle, they would probably be content for the infill to encroach onto their land; in-fill the embankment is currently located 1 mile away from the site and if not used here will only have to be transported from the site at some time in the future. This option has not been

professionally and adequately considered and I certainly believe it is still eminently viable. Following a recent fatal RTA earlier this year at the location in question, the HE may even consider this option as a potential safety improvement to the carriageway.

- Option 3. Construction of a bund on private land to the height of the carriageway and an installation of a fence on top of it; eventually presented to the GCMC AGM in April this year following a complaint to the LGO; GCMC members were concerned about the effectiveness of the solution proposed along with the loss of amenity, trees, construction damage etc. In addition, the imposition of future financial costs for maintenance of the fence on the GCMC was a very significant consideration; rejection vote it was made absolutely clear to TVBC that the GCMC were keen for TVBC to deliver a solution, but not the weak solution proposed and were prepared to consider use of their land to some extent for a more mutually agreeable design solution. This was confirmed by the Directors in their subsequent email to TVBC. As a result of the above, I agree that Option 3 as it currently stands is not a viable solution. I welcome the GCMC's willingness to consider realistic alternative proposals for delivery of an acoustic fence for the benefit of their members.

- Fence provided on the park at Gallaghers Mead is ineffective to residents
- Questions extent of specification of works to the HE – not accurate
- GCMC “have previously indicated their willingness in principle for the park fencing to be extended south onto their land a short distance at meetings with both TVBC and Goodman.”
- Section C – both options to site fence on HE land, and to raise the embankment on the HE land are “highly viable” solutions.
- Many residents of Andover are currently exposed to road traffic noise levels greatly in excess of WHO guidelines and there appears to be no specific improvement target; will condemn current and future residents to the negative effects of noise pollution.

2.0 **PLANNING CONSIDERATIONS**

2.1 The purpose of securing the Obligation when determining application 07/01951/OUTN (Tesco scheme) to deliver fencing along parts of the A303 was to mitigate the impact of the development of the Business Park. It could not, and therefore was never intended to, address the level of noise that historically was associated with the day to day operation of a major Trunk road. This is the context in which this recommendation should be considered.

2.2 Historical context to requiring the fence

Para 8.32 of the original Officer report to NAPC states:

“.....It is therefore appropriate to assess the impact that such traffic movement would have on the noise levels likely to be experienced by properties located close to the A303. This is not only relevant to the proposed development but because, anecdotally, the level of noise already reported from the A303 by existing residents is high. The Head of Environment and Health identifies, and agrees with the applicant, that the level of noise generated by the proposed development across the night time (i.e. the most sensitive period) would be in the region of a maximum 2.1dB(A) between 2300hrs and 0700hrs on the east bound stretch of road running along the southern side of Andover. The applicant draws reference to a statement in PPG24 which implies a change of less than 3dB(A) would not be “perceptible under normal conditions”. However, and in spite of this conclusion, in this particular case the order of magnitude of change brought about by the proposed development on traffic flows on the A303 over a relatively short period of time (relative to the period of time the same noise increase by ‘natural’ levels of traffic growth would occur) is considered significant [Officer emphasis]. It is therefore considered appropriate that some form of noise mitigation be sought for the most sensitive parts of the A303 road.....”

2.3 The level of traffic that was anticipated to/from, predominantly, the Tesco unit was acknowledged by the Highway Authority in their consultation reply to be unusually high compared to other B8 warehouses that they were aware of elsewhere. It was therefore acknowledged that the unit would generate a significant number of vehicle movements from a particularly large distribution unit, with an assumption/allowance given in the noise assessment that the size of the HCV’s using the road network to serve the operation would be large. When assessing the necessity of the Obligation the report identifies two key components:

- (i) That the noise level increase from the vehicle type, number and timings operated by Tesco would be in the order of 2dB(A). in this respect the report clarified that guidance at the time existed indicating that under “normal conditions” such a change would not be significant, and
- (ii) That for reasons that only related to the position that the Tesco unit/Business Park would operate at near-full capacity in a relatively small period of time (relative to the natural traffic growth that would otherwise take place on the strategic highway).

In other words, for only the reasons that this combination of factors gave rise to the necessity for the Obligation.

2.4 **Gallaghers Copse Management Company**

Officers liaised extensively with the Directors, and subsequently members, of the GCMC to seek a solution. The reply from the Chairman to the TVBC Officer (25th April 2018) is provided in it’s entirety here:

“Thank you so much for the presentation last evening. You covered everything really well. You will, I’m sure, realise how passionate we all are about the Copse.

Following the unanimous decision not to go ahead with the proposal, we would request a further option. The main concerns were the amount of Copse that would be lost and trees that would need to be felled. The damage that would be done to other tree roots from the bunding. The fact that the Management Co would be responsible for the maintenance of any fence that was erected. Why HE reneged on their commitment to erect the fence. We do not want this to be closed down as a non-starter so look forward to receiving a further option.

Please use this e'mail as our official response.

In the next few weeks there will be a new Committee, as I am stepping down after 15 years. As soon as we have had the first Committee Meeting, which I'm hoping to arrange in the next few weeks, I'll let you know names. [Name Omitted] is also stepping down and will be handing over the details of the signage which she has discussed with you to [name omitted].

Once again thank you for your time and effort”.

2.5 The email refers to the desire to see a further option. However there is no indication of what a further option might entail. Officers recognise that no further contact was made with the GCMC following this reply. That said, in the opinion of your officers there is no viable option available for the delivery of the entire section of fence that would (a) involve the use of the HE land, or (b) not require a similar level of intervention into the Copse of trees under the GCMC ownership to that which had been designed, circulated and rejected.

2.6 **Understanding the Highway Agency/Highway England's position**

When considering the planning application for both the “Tesco” scheme (permission granted in 26th August 2009), and the “Coop” scheme (permission granted 19th March 2010), an Officer of the HE and his consultant attended planning committee to assist in the consideration of the application. Their consultation responses were attached to the agenda papers to assist Councillors in the decision making process. At no time during that period was the presence of a HA policy, that sought to restrict the use of their land for the purposes of providing acoustic fencing on their land, was drawn to the attention of the Council. Indeed the letter that the third party refers to (dated 22nd December 2009) was received as part of the consultation process on the Co-Op scheme confirms that the HE were, in principle, aware of the Obligation and that they were, *defacto*, accepting that a scheme of noise mitigation would involve their land. It was only latterly when Goodman sought to gain approval for a scheme on their land that their policy not allowing access to their land, emerged.

2.7 The third party letter, summarised above, refers to a letter, dated the 21st February 2012, where the HE gave permission to use their land. This is true. However, it should be noted that by this point the Council had already approved a scheme for the delivery of an ‘alternative’ route of a fence alongside the A303 (24th December 2010) – using both land in private and public ownership, and had agreed with the developer that they would accept a sum of money (as per the legal agreement) to deliver the fence in that alternative position (31st March 2011), and had started to deliver the fencing in those locations in conjunction with Goodman.

2.8 Given the scenario that has been set out in the agenda report, there was a

clear balance in the Council's decision between finding a solution to deliver fencing in an alternative location to that originally envisaged (on which reliance on the HE land was removed), and preventing occupation of the Co-Op building by serving an injunction for failure to comply with the terms of the legal agreement.

2.9 The third party letter alludes to the Officer conflating the advice of the HE between the two options proposed for their land (i.e. the scheme for fencing adjacent to the carriageway, and the option to dispose of material to widen the embankment and erect a fence). This was neither the intention, nor, it is considered the case.

2.10 It has been suggested that Officers did not accurately reflect the nature of the specification of fencing outstanding in their more recent contact with the HE and had conflated the issues between Option 1 and Option 2. In the interest of transparency and clarity a copy of the email exchange referred to is attached as **Appendix A** to the Update paper.

2.11 The purpose of the email from Officers to the HE was to establish an indication of the costs and process necessary to secure the use of the HE land. It was known from previous occasions that securing an indication of costs was undertaken on the basis of an approximate price per linear metre. The email reply from the HE is very clear that the agreement reached in "*principle by exception some years ago*" would not apply to Option 2.

2.12 The HE in their response also indicated that they would need to revisit their position reached "*some years ago*" to determine what has changed in the "*intervening period*". It is therefore considered that option 1 is not viable given that in the intervening period the HE have resurfaced this section of road (in 2014) with thinner surfacing which has "noise reducing properties as a secondary benefit".

2.13 **Section A fence**

Officers cannot recall the reasons why progressing the delivery of a fence between the Hundred Acre roundabout and the new fence on the playing field, has not, to date taken place. On this basis the recommendation has been amended to reflect the need to explore the options associated with delivering this section of fence. TVCB do own land in this particular area.

3.0 **AMENDED RECOMMENDATION**

That, other than delivering the incomplete section of the acoustic fence highlighted as Section A between the Hundred Acre roundabout and the playing field, **no further action** be taken to deliver the outstanding sections of, off site, fencing.

Appendix A

Owen, Jason

From: Blake, Patrick <Patrick.Blake@highwaysengland.co.uk>
Sent: 19 September 2017 14:36
To: Owen, Jason
Cc: Planning SE; Strongitharm, Glen; Ginn, Beata
Subject: RE: A303 Acoustic fencing - Andover, Hampshire

Dear Jason

We have discussed the broad history.

In term of the options put forward:

1 – As you know this option was agreed in principle **by exception** some years ago, but the decision would need to be revisited to determine what has changed in the intervening period. The policy for structures within the highway boundary is out in DfT Circular 2/2013 Annex A Para A1:

For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.

All costs (inc. commuted sums) will be funded by the developer (or 3rd party) and any structure including foundations would be constructed to standard appropriate to the SRN. The costs at the time were estimated to be around £1k per metre which was based on delivering similar elsewhere in the network. This figure should be treated with extreme caution as it very old and would not include costs relating to traffic management etc. Other factors such as ground conditions and environmental factors would influence the design of an acoustic fence and the likely cost. Of course we would work with any 3rd party to plan works around our own plans for traffic management to reduce any potential costs.

Your second and third options would likely be far more challenging and without detailed information I could not give an indication of acceptability. Although any agreement in principle given by exception some years ago would not apply. In broad terms you would need to consider the potential adverse impacts from the construction of a significant bund adjacent to the A303 or other significant groundworks and would require further information in accordance with Standard HD 22/08, which is required in order for us to determine if there is likely to be any significant impact on the A303. Additional information will need to have sufficient detail about height of the bund, distance from the toe of the bund to the highways boundary, information about how the run-off will be dealt with/drainage system, slope stability analysis etc.

In general we would look to have a distance from the toe of the bund to the highway boundary, equidistant to the height of the bund, at all times, this includes during construction. There would need to be significant evidence to enable us to consider a lesser distance than this. The carriageway of the A303 is drained via a system of road gullies set into the kerb line. There could be significant run-off at times of heavy rain, particularly if the bund may contain a high clay content. The highway land must be safeguarded against any impacts of this run off, and the highway and verge drainage systems must not be used to drain any run-off from the bund. Therefore, a suitable drainage system with sufficient capacity demonstrated within the site boundary, must be provided to satisfactorily deal with surface water run-off from face of the bund.

Given that the options could be for the construction of a significant bund adjacent to the A303 or other significant ground works, we would expect supporting information to include documentation in accordance with Standard HD22/08 – Managing Geotechnical Risk. Supporting information should also include ground investigation works and slope stability analysis. It is suggested that the applicant produces a Preliminary Sources Study Report which collates all the background information.

I understand the A303 in the vicinity of Andover was resurfaced in 2014 with thinner surfacing as standard, which has noise reducing properties as a secondary benefit. As you may know we only resurface for maintenance reasons only. The surface is expected to last between 10-15 years, therefore we have no plans for further resurfacing in the near future.

Whatever proposal you wish to progress/investigate, it would be worth setting up a meeting with Highways England to discuss. I would involve colleagues with far more expertise than I possess !!

Kind Regards

Patrick Blake, Area 3 Spatial Planning Manager

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Tel: +44 (0) 300 4701043 | Mobile: + 44 (0) 7825 024024

Web: <http://www.highways.gov.uk>

GTN: 0300 470 1043

From: Owen, Jason [mailto:JOwen@testvalley.gov.uk]

Sent: 04 September 2017 17:29

To: Blake, Patrick

Subject: A303 Acoustic fencing - Andover, Hampshire

Importance: High

Dear Patrick,

I refer to our telephone conversation last week where I brought you up to speed with the delivery of the acoustic fencing beside the A303 south of Andover. You will recall from your own involvement in discussions a few years ago (following the grant of planning permission for the Andover Business Park at the former Andover Airfield) that an Obligation, to require Goodman to install fencing on Highway Agency (as you were known at the time) land, had been included. It is not necessary, or indeed my intent, to rehearse the argument as to 'how' this position was reached in this email.

Time has however progressed and I explained that TVBC and Goodman worked together to deliver the vast majority of fencing on land that ran beside the A303, but not including HE land. There does however remain a section of land that has not had any fencing put in place and it is necessary for the TVBC to look at all options that might exist for this section of land only. This area of land is located on the northern side of the A303 and runs for approximately 200m west of the road bridge over the Andover – Salisbury main line railway (partial location plan included in the attached document). Although this land is in third party ownership it is the fact that local topography and Arboricultural issues on site present significant constraints to delivering a fence in a 'conventional way', as an alternative to using HE land. It is now therefore necessary for me to explore the potential use of HE land (both in terms of siting a fence and by widening the embankment to site the fence away from the carriageway). I have third party interest being expressed and I am keen to gain your views on what any solution might comprise.

There are three options that have been put to TVBC which I have been asked to explore. I will summarise each in turn.

Firstly, that TVBC explore the costs and implications associated with erecting an acoustic fence on HE land as per the original scheme put forward by Goodman. This would involve placing the fence in close proximity to the carriageway. In this regard it would be useful to get an understanding of the Consenting process the HE go through for such works including for example, an idea of timescales for determining an application, the level and type of engineering detail and supporting information required in support of any application, and likely costs associated with an application. It would also be useful to understand the current HE policy on erecting fencing on their land, and in the event that a fence in this instance could be erected in this location, what would the capital and maintenance costs for the fence to be erected on HE land, be. If it is also possible could you indicate what an approximate timescale for delivering these works might be. In respect of the last question, I was wondering if the works would need to be undertaken as part of a regular maintenance schedule or a bespoke delivery option, outside of maintenance period, might be feasible.

Secondly, it has been suggested that it might be possible to infill the current embankment than supports the carriageway above the railway bridge to allow for the siting of an acoustic fence further away from the carriageway. This would involve, in very broad terms, the provision of retaining structures located at the common boundary between HE land and the privately owned land, followed by the importation and backfilling of material. This would facilitate the raising the levels at the HE boundary such that a fence could then be erected. Following the same principles set out in the first option above, it would be useful for your thoughts about the costs, concerns and prospect of this option progressing.

The third option that I have been asked to explore is focussed primarily on third party land although there may be HE implications by virtue of this option including the provision of an earth bund and fence above, in proximity to the HE common boundary. I have attached a draft drawing that has been prepared by our Engineering team that shows the earth bund being created to support a fence with the intention of providing a combined height sufficient for the top of the fence to be between 2.5m and 3m above the carriageway level. I understand that this option may need to be the subject of HE consenting and that certain safety, maintenance and drainage factors might need to be taken into account. I wonder if I could ask you to expand on the implications of the current draft design in order to minimise any potential conflict or concerns you may have on the safe function of the strategic road network in this location.

Finally, it is understood that as part of the HE's maintenance regime that the surface of the A303 has recently been changed to the use of 'silent-tarmac'. If this is correct I would appreciate confirmation of when those works were undertaken. If you have any technical specification of the material that would also include reference to what the noise improvements (in decibel terms) are likely from the application of this surface, that would also be very helpful.

I would be very grateful for your urgent attention to this matter please. Your response will assist the Council in reaching a decision as to how to progress.

Any queries please contact me

Kind regards

Jason Owen
Development Manager (South)
Planning and Building Service
Test Valley Borough Council
Tel: 01264 368173
jowen@testvalley.gov.uk
www.testvalley.gov.uk



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